

Legacy Management Strategic Plan

Comment Resolution Legend

1. Comment considered and integrated.
 - For comments that we have integrated into the new Legacy Management (LM) Strategic Plan (Plan).
2. Comment considered and partially addressed. Please see new Plan.
 - This response is for comments that have been partially integrated into the new Plan.
3. Comment considered and is pending higher level resolution.
 - For comments that we need to take to other senior departmental management for resolution.
4. Comment evaluated but not incorporated because out of scope.
 - For comments either beyond the scope of the Plan (i.e., site specific comments) or comments that are more appropriate for the Implementation Plan.
5. The Department appreciates this comment and your feedback. Thank You.
 - For positive feed back regarding this Plan. For letters explaining the commentor's relationship to LM but no comments/changes to this Plan.
6. Comment noted. The Department will consider this comment.
 - This response is for comments that have not been integrated into the Plan.

Commentor	Comments	Resolution
1. Dan Chesshir, President, Rocky Flats Security Officers Independent Union	<ul style="list-style-type: none"> • Quite satisfied by the direction your department will be taking to assist the worker in transition. It appears that this union's outstanding issues of pension and health benefit management, records management, 3161 benefits, and coordination with local unions in respect to voluntary separations, new employment and collective bargaining agreements have been identified and included as primary goals for your department. For this I thank you. • Several issues of Union members are their frustration with other sites not honoring 3161 language and on maintaining current level of medical coverage for retirees when Rocky Flats closes. From what is outlined in the draft Strategic Plan LM seems to be heading in the right direction on both these issues. 	5 5
2. Al Nelson, Rocky Flats Coordinator for the City of Westminster	<ul style="list-style-type: none"> • Plan should have goals and objectives to ensure the remedies are protective for current and future generations. • Plan should be supported by local governments and the regulators to ensure the vision and goals of the plan reflect the specific needs of surrounding communities. • Want to ensure continuity of the workforce's pension and medical benefits. • <u>General comments:</u> <ul style="list-style-type: none"> • Goal B. Preserve and Protect Legacy Records and Information Westminster maintains that DOE continue a document repository at the College Hill Library and work with local governments to determine which documents will be maintained. We do not support the use of any type of museum that may be created as the document repository. College Hill Library is centrally located and already utilized by our citizens. • Goal C. Support an Effective and Efficient Work Force Structured to Accomplish Departmental Missions, and Assure Worker Pension and Medical Benefits The worker's pensions and medical benefits should not be reduced, changed or the worker's contributions for their benefits increased. 	2 2 2 4 2
3. Dorian Brown, Broomfield's Director of Public Works	<ul style="list-style-type: none"> • As stated in the executive summary of the document, key to Legacy Management is ensuring close coordination with stakeholders. The City & County of Broomfield, as an asset holder, strongly believes the strategic plan should have goals and objectives to ensure the remedies are protective for current and future generations. It is imperative the plan should be supported by local governments and the regulators to ensure the vision and goals of the plan reflect the specific needs of surrounding communities. • As a community which contains several Rocky Flats workers, we also want to ensure continuity of the workforce's pension and medical benefits. • <u>General comments:</u> • <u>Goal A. Protect Human Health and the Environment through Effective and Efficient Long-Term Surveillance and Maintenance</u> -One of the strategies to effectively manage post-remediation responsibilities and liabilities is to communicate with other stakeholders involved in long-term surveillance and maintenance activities and work with local governments to share lessons learned and technologies. -As an entity that has downstream water quality obligations, we expect the current monitoring decision making process at Rocky Flats to continue post-closure. The proposed strategy excludes us from participating in the evaluation and/or revisions to the surveillance and maintenance activities. The success indicators are not comprehensive and community involvement only includes "Community acceptance of maintaining remedies". Revise the document to include the following additional success indicators: 1.) Acceptance of monitoring and surveillance criteria by asset holders and 2.) Ensure a timely response to Contingency Plans to ensure protection of human health and the environment. • <u>Objective A.3</u> -Our concern is once again DOE decisions will be driven by costs rather than ensuring adequate data is available to evaluate revisions to operating, monitoring, and maintenance of remedies. The City & County of Broomfield bears a burden of 	5 4 1 4

	<p>additional operating and monitoring costs and we agree if data warrants a reduction in monitoring and /or surveillance, the criteria should be revised. The objective should not be based on a success indicator to revise the cost of operating, monitoring, and maintenance of the remedy, but rather should be based on data quality objectives to determine if revisions are warranted.</p> <p>-A mechanism has not been identified in the document to provide a venue for public involvement post-closure. Revise the document to include a process to include an objective for local government and community input post-closure to receive, educate, and disseminate information pertaining to the cleanup of closure sites. A success indicator for the public participation process should be an annual review and revision, if necessary, for a Public Participation Plan.</p> <ul style="list-style-type: none"> • <u>Goal B.</u> Preserve and Protect Legacy Records and Information <ul style="list-style-type: none"> - As a lessons learned, Legacy Management should develop a Transition Plan which includes a process to identify, evaluate, and coordinate a records and management system with the involvement of asset holders and surrounding impacted local governments. -One of the identified strategies is to Develop sustained capability for public assess, retrieval, and comprehension of the long-term surveillance and maintenance information. We ask that objectives be drafted to identify how the strategies will be measured as being successful other than a reduction in costs. The primary success indicator of the public access system should be based on the public needs and usefulness rather than costs. • <u>Goal C.</u> Support an Effective and Efficient Work Force Structured to Accomplish Departmental Missions, and Assure Worker Pension and Medical Benefits <ul style="list-style-type: none"> -We agree the Department should ensure the continuity of the work force's pension and medical benefits. What is disconcerting is the strategy to evaluate the feasibility of implementing a model program designed to make the medical benefits program more consistent across closure sites, and facilitate efficient and effective benefits delivery. Clarify how consistent legacy benefit and pension delivery to all departmental contractors at closure facilities will be achieved and measured if DOE does not plan on reducing benefits and/or medical plans. • <u>Goal D.</u> Manage Legacy Land and Assets, Emphasizing Safety, Reuse, and Disposition <p>Broomfield supports the future land use of Rocky Flats as a wildlife refuge. Pertaining to objectives D1 and D2, we do not understand how the strategies and success indicators can be obtained if the mineral rights issue is not resolved for Rocky Flats. The development and implementation of a sustainable Legacy Management program to protect natural and historical resources has to include public input and acceptance.</p> • <u>Goal E.</u> Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Departmental Missions <p>Broomfield has grave concerns with the language in this section and the recent contradictory actions by DOE. Per the plan: The Department has and will continue to assist communities by allocating resources to Community Reuse Organizations (CROs) through grants that enable communities to create plans that address both local/regional and departmental interests. DOE's recent action to not fund the Rocky Flats Coalition of Local Governments (RFCLoG) as a CRO this year and in the future certainly does not reflect the spirit of Goal E. The plan further states Legacy Management will continue to fund and refine these community assistance programs. Clarify if this section is going to be revised to reflect the departure from the current strategy.</p> 	<p>2</p> <p>4</p> <p>4</p> <p>2</p>
4. Robert J. Eagan, Vice President Energy, Information & Infrastructure Surety, Sandia National Laboratories	<ul style="list-style-type: none"> • Creation of this office is timely as EM achieves success in its remediation programs. Sandia has a mixed waste site that will be subject to legacy management, and we appreciate the focus brought by DOE to this important aspect of performing our mission and respecting the needs of our community. • The plan is thoughtful and thorough. I am pleased to note the intention to "track and use advances in science and technology to improve sustainability and ensure protection" (Part IV, objective A.2. Strategies). Cost savings are noted as a success indicator. I suggest adding cost savings to the strategy, to wit ... improve sustainability, ensure protection, and reduce operational costs. 	<p>5</p> <p>5</p>
5. Hugh Hanson, Pantex Site Office, DOE	<ul style="list-style-type: none"> • There is a lot of rhetoric and redundant repetitions within this document that detracts from its intent, understanding, and quality. Additionally, there are numerous questionable word choices. • Page ii, 3rd paragraph of ES, The goal of bullet 3 should be: provide high quality support to employees in pursuit of mission goals 	<p>2</p> <p>6</p>

	<p>and establish equitable benefits such as pension and medical plans.</p> <ul style="list-style-type: none"> • Page ii, 4th paragraph of ES, The last sentence makes a) some overstated claims b) not within the control of LM. Be realistic – LM, and any organization, would do well in achieving good business practices, period. Also, how can LM incorporate “future advances in science and technology” when those advances aren’t known today? Excessive rhetoric will loose credibility. • Page 1, 7th paragraph, if there was ever an example of a run on sentence that grew up to be a paragraph this is it. Furthermore it’s unclear. • Page 2, 1st paragraph, mission statement is very weak. It says nothing of the uniqueness of LM within the DOE framework and totally omits returning land for re-use for the public good. Missed a chance to shine. Hint- see Part I, paragraph 4. • Page 2, 2nd paragraph, vision statement is too detailed and appears to be a list of goals rather than a vision. • Pages 3, 2nd paragraph, consider using the word “sound” in place of the word “rigorous”. Again, good business practices is more realistic and achievable than “state-of-the-art...” • Page 3, Bullet 1 substituting “effective” for the word “maximizing” is more appropriate. • Page 4, Bullet 2 & following paragraph Excellent! This paragraph should be the over-riding theme of the LM strategy document. • Page 4, last paragraph omit word “these”. • Page 6, Bullet 2 substitute word “Control” for “Minimize”. • Page 6, Bullet 1 under Success Indicators: Why is it the concept of many reviews are better than fewer good reviews? • Page 5 & 6 All: These 2 pages need to be rewritten and better success indicators established. • Remaining pages need to be rewritten and better success indicators established. 	<p>2</p> <p>1</p> <p>3, 2</p> <p>6</p> <p>1</p> <p>1</p> <p>5</p> <p>1</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p>
6. Leslie L. Reed, Division Manager Environment, Safety and Health, Y-12 National Security Complex	<ul style="list-style-type: none"> • My personnel have reviewed the subject plan and have no specific comments to offer. As documented in the draft strategic plan, the Office of Legacy Management appears to only have mission assignments at Department of Energy sites which have no continuing mission (i.e., closed sites). If this interpretation is incorrect, then the noted plan should be changed accordingly. 	2
7. Steve Sanders, The Bonneville Power Admin.	<ul style="list-style-type: none"> • As a Power Marketing Agency, BPA facilities and properties are not directly involved in the Department's legacy responsibilities and we therefore have no specific comments to offer regarding the draft document. As a general observation however, the plan appears to be both an effective and efficient approach to the management of DOE environmental and human legacy issues. 	5
8. Daniel Hughes, Business Admin., Energy Efficiency and Renewable Energy	<ul style="list-style-type: none"> • The Office of Energy Efficiency and Renewable Energy has reviewed the Office of Legacy Management's Strategic Plan and has no comments. 	5
9. Dr. Gio Nguyen, CTO, ARDI- GenefoBank	<ul style="list-style-type: none"> • Below are specific comments listed in order of relevance to the organization and success of the proposed DOE-LM Strategic Plan: • INTEGRATION PROBLEM: An effective, time-tested and practical model for the formulation of corporate management strategy and principles is the Integrated Risk Management (IRM) Framework. Such an IRM framework would be sufficiently descriptive and specific to meet the vision and responsibilities of the DOE-LM on one hand, and flexible to address the multiple-objectives/multiple-stakeholders issues and pertinent changes in a comprehensive manner over long period of time on the other. • INTERDEPENDENCE PROBLEM: When the changes of departmental needs and missions occur at a faster pace, the corporate management strategy as presently proposed may not be able to keep pace with implementation deadlines, and as a consequence, sub-optimal performance of the stated DOE-LM goals will be unavoidable. To properly deal with this planning-implementation problem, a basic supporting contingency plan should be put in place to address the interdependence of the-means-and-the-ends, and to elevate the role of the quick-reaction Inter-Office Task Force as a key element to the department-wide responsibility. Here the interfacing, engagement and interaction between the various other DOE offices with the DOE-LM Office should be well defined and actively managed. 	<p>4</p> <p>4</p>

	<p>defined and actively managed.</p> <ul style="list-style-type: none"> • CRITICAL INFORMATION INFRASTRUCTURE SECURITY: Goal B of Preserve and Protect Legacy Records and Information has not meaningfully addressed the issues of critical infrastructure protection and information integrity safeguard. Controlling process for information and data compilation/organization/storage as well as the screening criteria for sustainable management of the legacy data warehouse should be part of the development of the proposed strategic plan for DOE-LM at the initiation of its mission. • The process and protocols for infrastructure security should be carefully designed and tested with respect to both intrusion detection and interdependent risk management goals of such strategic plan. The hierarchical structure of the site, branch and headquarters network for interactions between the various DOE-LM offices dictates that the development of the section-based security measures is functional and tractable at all levels for data management and access control. • Additionally as part of the DOE-LM strategic plan, these infrastructure security measures should be available “a priori” for consideration and integration within the larger existing departmental network. • APPLICATION OF PROVEN INFORMATION & COMMUNICATION TOOLS AND TECHNOLOGIES: Effective implementation of policy and improvement of relationship with the stakeholders require the careful assessment and usage of latest tools and technologies available in the public and private sectors. Efforts by DOE-LM to meet its stated goals would be well served if they also encourage the innovation and growth in the business community and energy industry to meet the same common goals and the job creation goal. To this end, strategic employment and incorporation by the DOE-LM of the ways the general public and related businesses operate would further assist in motivating and fostering the affected economy in a positive way for both the short and long term. • PUBLIC AND CONTROLLED ACCESS TO THE LEGACY DATA WAREHOUSE: To meet the goal of protection of human health and the environment, the understanding and support of the public for DOE-LM activities is imperative and should be established. Consequently, transparency, accountability and openness of the DOE-LM operational and management activities should be carefully documented and managed. • Consequently, the issue of public and controlled access to the LM-databases should be expeditiously addressed at the first feasible opportunity with the encouraged input and participation of the appropriate stakeholders. A policy of periodic and independent review/audit of specific departmental operational and planning records is highly recommended to maintain and preserve the reputation and contributions of the DOE-LM Office in this most challenging and far-reaching mission. 	<p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p>
10. Richard Allen, Chief Bureau of Environmental Safety, Illinois Emergency Management Agency	<ul style="list-style-type: none"> • Comments on this draft plan are based on our concerns over and our experience with Site A/Plot M. • Part I. Background: This section discusses the impacts of consolidating all long-term stewardship functions into a central group. IEMA disagrees with DOE’s view that this consolidation will improve accountability to the affected communities and improve community access to information. Instead, this consolidation will remove the Chicago point of contact and try to replace it with one in Grand Junction, Morgantown or Pittsburgh. Our local community stakeholders have no experience dealing with staff in these out-of-state offices, so relationships will need to be built from scratch. Furthermore, the local PIOs that the community does meet with on a regular basis will be taken out of the loop, since they belong to EM. • Part III. Corporate Management Strategy and Principles: We agree with DOE’s stated goal of integrating long-term surveillance and maintenance (LTSM) into existing department processes and management systems. This is a good strategy for assuring accountability for all phases of life-cycle management. However, this seems inconsistent with DOE’s plan to separate out the site LTSM functions and consolidate them into a group with no other life-cycle responsibilities. This separation creates an easy target for budget reductions and makes the LTSM programs compete with each other for resources. • Part IV. Objectives and Strategies for Legacy Management Goals. Goal A: This section highlights the most difficult problem facing the new Office of Legacy Management (LM). While this section recognizes that for some sites, LTSM may be required for thousands of years, the funding process is an annual struggle. How can LM ensure that adequate funds are available to address both LTSM as well as emergent contingencies when there are no long-term funding sources available? IEMA would like to see some additional detail in this section that describes how DOE can meet its commitments on a long-term basis. How does LM plan to minimize the Department’s environmental liability for LTSM? Is there a plan to perform additional remedial action to reduce 	<p>6</p> <p>6</p> <p>6</p>

	<p>the risk at sites? How can LM justify this reduction in liability other than by risk reduction?</p> <ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals. Goal B Objective B.2.: Discusses how LM plans to provide effective access to information for stakeholders. Given our concern about distancing the community from points of contact and information repositories, we would suggest an additional Success Indicator. LM should track and report on the volume and frequency of community access to legally releasable custodial information. It is not sufficient to claim success by simply having provided access. 	6
11. Paul Sacco, Administrator, Young - Rainey STAR Center	<ul style="list-style-type: none"> Impressed with the commitment stated throughout to care for the people and the environment affected by DOE's legacy of providing the nation's effective nuclear weapons defense program. Legacy Management Goal E. Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Department Missions. <ul style="list-style-type: none"> Under Objective E.1.: the strategy to provide an informational clearinghouse to assist local community economic development planning is welcomed news. This will be of great benefit in our coordination efforts to be on top of the economic planning needs for our region. Also your strategy to identify both public and private funding outside the Department will be extremely helpful. Your strategy also calls for the Department to establish criteria for evaluating community transition funding programs. Such criteria already exist but can be refined. The Success Indicator for this Strategy, the "maximization of community opportunities and minimization of negative impacts - ---" will be hard to measure. This will have to be a subjectively derived indicator but can be accomplished with suggested guidelines. 	5 5 4
12. Adam B. Cohen, PhD, Assistant Laboratory Director, ISM, Argonne National Laboratory	<ul style="list-style-type: none"> In general, the strategic plan is very well written, clear and concise. Two suggestions: <ul style="list-style-type: none"> D.2 should also include a role for DOE in developing and evaluating reasonable release criteria. I believe the NRC has the lead, but DOE should play an active role. Goal E should also include some efforts related to education of the public about the land and the associated hazards (or why they need not be concerned). Outreach may be implied, but it's important enough to be specifically addressed. 	5 6 6
13. Nuclear Regulatory Commission	<ul style="list-style-type: none"> We've conducted a brief review of the Plan and have no comments. The plan appears to be comprehensively written and clearly defines your visions and goals. 	5 5
14. Clarence Buchholz, Financial Secretary On behalf of USWA, Local 8031, Rocky Flats, Colorado	<ul style="list-style-type: none"> Part III, concerning "effective coordination with stakeholders." As a stakeholder we believe it would be beneficial to all stakeholders to establish informational updates on regular schedule, such as monthly conferences via telephone. Part IV, Goal A, development of long-term surveillance and maintenance at facilities were long-lived radionuclides and other residual hazards will require long-term surveillance. The current workforce has been monitoring and conducting surveillance at Rocky Flats since 1951 and is the best trained and qualified to continue this work after official closure. We would like the Department of Energy to grant any surveillance work after closure, to the current workforce at facilities were such work will be required. Part IV, Goal C.1, develop and implement a departmental approach and guidance that ensures contracted employees continuity of their pension and medical benefits. Rocky Flats is far ahead of schedule for closure of the plant due the innovative and dedicated work of the current workforce. The result of this accelerated closure will unfortunately mean that many current employees who are "Cold War Veterans," (hired on or before September 27, 1991) and who would have otherwise qualified for pension/medical benefits will now not qualify. Some of these "Cold War Veterans" will miss being qualified under the "Rule of 70" by as little as a few months. We feel it is imperative that the Department of Energy develops a plan to capture those "Cold War Veterans" who have dedicated themselves to their country during the production years and now the clean up of Rocky Flats. 	6 4 4
15. D.H. "doc" DeTonancour President, PACE Local 8 0652, Idaho	<ul style="list-style-type: none"> As to minimizing Department liability for worker health. I would say that keeping the number of "new workers/hires" to an absolute minimum would be sound business and the "right thing to do". The hazards of the ICP are many and best handled with experienced personnel. Why create more exposure to "new" people? We have plenty of current workers, in my opinion, if managed properly. It will take a little longer to remove a cold and dark structure, but will cost far less in the long run! Why pay overtime 	6

Falls, Idaho	<p>and expose new human body to asbestos, beryllium, acids, radiation etc. Many of these structures have had little or no maintenance for years. Sure they need to come down, but do it the smart way and see beyond a few months.</p> <ul style="list-style-type: none"> • Lessen the impact on affected workers. Again, use of the available current workforce to the maximum will achieve this goal, as well as lessen the economic impact to the community long term. Why import workers to do work that can be done over several years (7) vs. a few months in 2004? The costs will definitely be higher with pedal to the metal thought, vs. careful planning and strategies. • Finally on the continuity of pension and medical benefits. It is again the "right thing to do" for both the workers and the Country. The costs are high, but can be mitigated by encouraging incumbent workers to stay with the job to completion. This strategie has to be better than running current workers out the door to turn and hire a new workforce to complete the mission. 	6 6
16. Chicago Operations Office, DOE	<ul style="list-style-type: none"> • The draft LM Strategic Plan presents a reasonable view of the circumstances leading to creation of LM and LM's mission, vision and goals. Clarification is needed in a few areas to make the Plan more understandable to readers who may not be closely involved with LM's activities. • Executive Summary, page ii, 2nd paragraph, 1st sentence: delete "will take" and substitute "took." LM is now in existence. • Corporate Management Strategy and Principles, page 3, Principles, 2nd bullet: The bullet states that "Legacy Management is a component of all aspects of departmental decision-making" and then (in following paragraph) notes that the "responsibility extends from identification of cleanup alternatives through all relevant decisions made over the lifetime of the hazards." If legacy management is a component of "all aspects," then potential legacy management also should be considered at the planning and operational stages for sites, facilities, or activities, comparable to DOE O 430.1B statements regarding consideration of disposition and long-term stewardship requirements throughout the entire period when assets are used. If legacy management only becomes a consideration when a site is at the end of its useful mission but cannot be released from DOE control, then revise bullet to state,"... component of all aspects of departmental decision-making regarding cleanup." • Corporate Management Strategy and Principles, page 3, Principles, paragraph below 4th bullet, 1st and 2nd sentences: Will Environmental Management Systems, which are site-specific, be maintained for closed and remediated facilities that are in long-term operations, maintenance, surveillance, and monitoring under LM? I think the paragraph is trying to capture two important thoughts – one, that LM's program can take advantage of Department-wide policies and directives, and two, that LM's job on behalf of the Department will become easier when individual sites incorporate practices, that restrict the potential for contamination, into their site-specific systems. Suggest changing the bullet to say that "Legacy management requirements ... should be considered in developing relevant department policies, practices, and systems." Corresponding changes in the paragraph could include the following: (1st sentence) "... will be most effective when impacts of current activities on long-term requirements are integrated..." • Objectives and Strategies for Legacy Management Goals, Goal A.1, page 5, Strategies, 2nd bullet: How does this activity (performing and managing final activities at sites where restoration is significantly complete) support the objective of effective management? For example, is it more cost-effective than maintaining a site-specific project office? Please explain. Also, please add a brief (parenthetical) explanation or example to explain the meaning of "significantly complete." • Objectives and Strategies for Legacy Management Goals, Goal A.2, page 6, Success Indicator, 1st bullet: Add "effectively" between "of" and "operating." Even though the second bullet plainly says that risk reduction will be maintained or improved, it is worthwhile to reiterate that cost reductions will not be at the expense of protectiveness. • Preserve and Protect Legacy Records and Information, Goal B.2, page 8, 1st bullet: Add "effective" before "access mechanism." 2nd bullet: add "timely" before "access." • Support an Effective and Efficient Work Force, Situation, page 9, 3rd paragraph, last sentence: This sentence is confusing. It is against departmental policy for whom to accept the role of sponsor – DOE? Is the sentence trying to say that DOE can administer and manage this portion of the program, but that plan sponsorship and fiduciary duties must remain with the (contractor) plan sponsor? Please clarify. 	2 1 4 1 2 1 2 2
17. Keith Mahosky	<ul style="list-style-type: none"> • In the executive summary, I believe that it is imperative that the management of assets also be done in a cost effective manner and be stated so. As a servant of the public and a user of tax dollars, the DOE should clearly make it known that it will work to find the 	6

	<p>most cost effective management solutions to LM.</p> <ul style="list-style-type: none"> As part of the vision on page two, I believe that DOE should state that it will work to ensure that sufficient funds will be available to correctly manage a given site to ensure that stakeholder's impacts are minimized, not just coordinating resources. Stakeholders with whom I have spoken are concerned that DOE will leave a legacy in their state that they in turn will be left to pay for final management. It is critical that DOE make every effort to convince these local and state stakeholders of their commitment to do the right thing. Anything less will miss the public relations mark. For the corporate management strategy on page 3, the sound management practices should also state that the program will work to minimize overhead costs of LM and maximize the resources invested on each given site. This ties the two comments from above. Also on page 3, when considering LM as a component for decision making aspects, to do so in a cost effective manner. This is owed to the tax payers. In general, the concept of cost effectiveness is only talked around. It is necessary to find the most creative means to manage these sites. On page 4, it should not only be heightened awareness on a public front but should clearly include integrating local stakeholders in the decision process for identification of the most cost effective, site specific and site protective measures. Don't just inform stakeholders; make them an absolutely integrated part of the decision process to ensure they are committed to plan for a given site. On page 11, the strategies should include involving local government in the analysis of LM costs for each stakeholders site of interest. By incorporating the local government in this process commitment to a viable strategy can be obtained. Empowering local government in this fashion will go a long way to establishing cooperation and trust. 	<p>6</p> <p>6</p> <p>6</p> <p>2</p> <p>6</p>
18. Randy McConnell, Director, NREL Office of Environment, Safety and Security	<ul style="list-style-type: none"> While neither NREL nor MRI has responsibility for any DOE legacy sites, the draft plan was reviewed for general content and applicability to NREL/MRI within the overall DOE mission. The draft plan is comprehensive and addresses very well the transition of legacy sites from closure activities conducted by the Office of Environmental Management to longer-term activities to be conducted by the Office of Legacy Management. No changes to the draft plan are being recommended at this time. 	5
19. Russ Mellor, WVNSCO President	<ul style="list-style-type: none"> We believe this approach provides the best answer to cleanly finishing the major environmental management scopes while transitioning to a longer term regime that lowers cost while addressing environmental and safety concerns. Addressing employee and stakeholder issues will enhance the buy-in necessary to make the transition as efficient as possible. <u>General Comments:</u> <ul style="list-style-type: none"> The overall impression of the plan is favorable and reassuring to the public relative to long term stewardship. Closer reading could cause concern in areas where cost efficiency is emphasized in a way that could be perceived to contradict some of the benefits Some of the metrics seem subjective or hard to measure There is no timetable for implementation Planning, integrating, and funding commitments are important Consistent work force restructuring policies relative to all EM sites are necessary and needed now WVDP could benefit by the implementation of major elements of the strategic plan Words that commit to adaptability and flexibility are critical to stakeholders desire and ability to support DOE closure plans and the plans to deal with the legacies that remain A commitment to mitigate the impacts of site closure, changing departmental missions, and work force restructuring is positive and powerful Is West Valley included in the pie chart and do all elements of the plan apply to a DOE managed site that is owned by New York State? <u>Specific Comments:</u> <ul style="list-style-type: none"> Page 6, Objectives A.2. & A.3.; the timing of these objectives is critical and overdue; a time table for visible and active planning and budgeting in the near term would promote the urgency of these objectives. Page 9, Strategies, first bullet; for 'so-called' non 3161 sites like West Valley, will the policy statement clarify and make 	<p>5</p> <p>5</p> <p>6</p> <p>2</p> <p>4</p> <p>6</p> <p>6</p> <p>6</p> <p>6</p> <p>6</p> <p>6</p> <p>6</p> <p>4</p> <p>4</p> <p>2</p>

	<p>consistent the policy for those same sites?</p> <ul style="list-style-type: none"> • Page 10, Objective C.2.; Strategy bullets seem to be a mixed bag of improvement and efficiency requirements even though the objective is stated as "Ensure fair treatment of workers by effectively planning....". Possibly a split between fairness and effective planning in one objective and requiring efficiency and providing incentives to contractor in a 2nd objective. • Page 10, Objective C.3.; the first two strategy bullets seem to imply direct involvement of DOE in the collective bargaining process. DOE states it wants to insure a good working relationship between labor and management on DOE projects. The approach should emphasize ways to incentivize or otherwise insure contractor performance in this area rather than promote direct DOE involvement. • Page 10, Objective C.3.; the third bullet sends mixed signals to the work force by using outsourcing and contract reform words under an objective that states "Promote an improved working relationship between labor and management...." 	2 6 6
20. Russell J. Vranicar	<ul style="list-style-type: none"> • ES-ii, 2nd Paragraph - Draft is dated November 2003, and paragraph states, "On October 1, 2003, the Department will take..." use past tense. • Page 2, Vision, 2nd bullet – Implies written records are not currently accessible. Recommend, "... are preserved and remain publicly accessible." • Page 3, Principles, 2nd bullet – This bullet will probably cause some discussion on ensuring legacy management is considered versus EM's Risk-Based End State initiative. While not mutually exclusive, they may not be mutually compatible either. Also, be prepared to answer the question of what directs field operations to do what this paragraph says we do/will do. • Page 5, Strategies, 4th bullet – The bullet begs the question, contingency plans for what with respect to managing post-remediation responsibilities. • Page 6, 3rd bullet – The bullet sounds awkward, suggest, "Prepare a site transition framework to ensure smooth transition of sites into Legacy Management responsibility." • Page 9, 3rd paragraph, last line – Forgive my ignorance, could "plan sponsor" be defined? • Page 10, Objective C.2 – How do your success indicators indicate success for achieving an annual savings of three times the one-time cost of separation? • Page 10, Objective C.2, Strategies, 4th bullet – Does this cover only LM induced work force reductions? I would anticipate WF reduction would be under other programs before the handoff to LM. • Page 11, 2nd Paragraph – If land and property is declared excess, I think there are laws or regulations to follow on disposing of it/them other than tenets of sustainability and good land management practices. • Page 11, Success Indicator, 1st bullet – These sound like strategies not indicators. For example, how does implementing something indicate success? • Page 13, Objective E.2 – I don't see a strategy to make CRO's self-sustaining nor an indicator to measure cost savings. 	1 6 6 2 1 6 6 6 6 6 6
21. Fluor Fernald, Inc., Darlene Gill and Paul Mohr, Human Resources/ Industrial Relations Department	<ul style="list-style-type: none"> • Goal C: <ul style="list-style-type: none"> • Paragraph 3 on page 9 states "It is against departmental policy to assume the role of plan sponsor and fiduciary responsibilities, as those responsibilities must remain with the plan sponsor." However, paragraph 4 goes on to say that, "Legacy Management will develop a plan of action to pay out medical and pension benefits consistently and comprehensively at all closure facilities." Furthermore, the first bullet on page 10 states that Legacy Management will value the feasibility of implementing a model program designed to make medical benefits programs more consistent across closure sites, and facilitate efficient and effective benefits delivery. These statements could be perceived to infer that Legacy Management will make changes to medical and pension benefits, if required, to ensure consistency. If Legacy Management is not the plan sponsor, it cannot make benefit plan revisions. • The third sentence of paragraph 4, page 10 could be revised to state "Legacy Management will work with plan sponsors to ensure that medical and pension benefits are paid consistently and comprehensively at all closure facilities. • Also, what is the position, if the current plan sponsor is no longer a business unit? Is it assumed that the Contractor Corporate office will assume? Is this fair and legal? If the sponsorship remains with contractor, what is the understanding between DOE 	6 1 4

	<p>and the contractor on reimbursability and operation of the plan. If it is the intent for LM to direct the administration of the plans, how can they require former contractor to be sponsor? Should not the Third Party Administrators hired by LM become the plan sponsors? If a model plan were designed, who would be sponsor of it?</p> <ul style="list-style-type: none"> • Objective C.1. Want to clarify that medical benefits includes retiree, COBRA and Displaced Workers Medical, plus run-out claims from active employee plans? What is status of life insurance? What about the other 3161 benefits administration: education/training, relocation, and tracking preference in hiring? • Objective C.2, fifth bullet references conducting reductions “in a manner that encourages voluntary separations.” Some closure projects are not at a stage when voluntary separation programs are no longer beneficial or warranted. As such, this phrase should be deleted to not establish expectation of voluntary programs at all closure projects. The bullet references conducting reductions in a manner that “provides basic benefits for a reasonable transition period.” This comment can be construed as promissory of a basic benefit package that may or may not be provided for by contractor project-specific policy and funded by project dollars. As such, this phrase should be deleted. • Objective C.2. Strategies are confusing: for example, first bullet states to control the amount of enhanced benefits and bullet three says to work with departmental field management in managing workforce process e.g. ...providing enhanced benefits... • Objective C.3. Is it viable to establish policy and oversee collective bargaining process - should not DOE be independent of this process? • Suggest a strategy would be to re-evaluate the design of the Displaced Worker Medical Benefit. For example, have quarterly certifications. Put a limit on the time on coverage instead of no limit. • Suggest a strategy to move the administration of retirees over to Third Party Administrator before closure to ensure complete data transfer and understanding of plans. If wait until closure, knowledge base of plans will be gone. • Re: Pension and Medical benefits. There is mention of retiree life insurance, but it is not clear if that will be part of the legacy. 	<p>4</p> <p>6</p> <p>2</p> <p>6</p> <p>6</p> <p>6</p> <p>6</p>
22. Michael J. Holzemer, Environmental Engineer, NT Division	<ul style="list-style-type: none"> • Argonne National Laboratory-West (ANL-W) reviewed the draft Legacy Management Strategic Plan. ANL-W has no comments on the draft Plan. We do appreciate the opportunity provided to us to review the draft Plan. 	5
23. Richard A. Ratliff, Chief, Bureau of Radiation Control, Texas Department of Health	<ul style="list-style-type: none"> • Although the plan represents a global outlook of requirements to fulfill existing obligations and your vision for management of future liabilities, by necessity of design, the level of detail provided does not permit comprehensive assessment of the changes now being implemented in the DOE long-term environmental stewardship program. The commitment demonstrated by the Department in elevating the program to a stand-alone office is, however, encouraging. • Part IV, Objective A.1. – Lacks a Success (Performance) Indicator to quantify successful Site Surveillance and Evaluation Activities. Assuring integrity of remedial work and early detection of potential failures is key to preventing unacceptable environmental consequences. • To Strategies, add a bullet statement: “Conduct site visits to assure that physical conditions remain within acceptable limits, or to identify corrective actions to rehabilitate the site to closure plan parameters.” To Success Indicators, add a bullet statement: “All periodic site inspections completed on schedule in accordance with surveillance plans. Initiate corrective actions necessary to maintain site integrity.” • Part IV, Objective A.2. – In Success Indicators, the term “High percentage” is an insufficient metric to be used “... for sites requiring them.” One hundred per cent should be the standard, from a state perspective. If a lesser numeric value is acceptable, it should be specified. 	<p>5</p> <p>6</p> <p>6</p> <p>6</p>

<p>24. Sandia National Laboratories</p>	<ul style="list-style-type: none"> • P.ii, paragraph 2: change the first sentence to read "On October 1, 2003, the Department took....." • P. 1, paragraph 4: "As more weapons facilities continue to close across the country..." Does DOE have a plan for sites that are to be closed? Any planning for the volume and type of work the Office of Legacy Management will encounter must be based on the planned closures. Have closures been announced? Should we as contractors supporting a national laboratory be concerned? (The strategic plan should list the sites included--the already long-since closed ones, the closed but undergoing remediation, and the will-be-closed.) Also, are the NNSA labs included in the overall scope of the Office of Legacy Management (in case one of them is closed)? • P. 1, paragraph 7: "To ensure continuity of expertise, personnel currently implementing the needed capability of successfully accomplishing the mission of Legacy Management will be composed of staff located in..." This doesn't make sense--it essentially says: personnel currently implementing will be composed of... Presumably the staff currently implementing are already composed of something. • P. 2, Mission Statement. Surely the Office of Legacy Management does not expect to manage the effects of all possible changes in mission requirements? Many mission requirement changes won't close sites. • P. 2, Vision, second bullet: "Records and information are preserved and made publicly accessible." Add "as appropriate." The Office probably doesn't want to release classified to the public generally. And, personal health records surely won't be released to the public at large. • P. 2, Vision, second bullet and Goal B: Why keep the records with DOE for closed and remediated sites? The federal government has a repository for historical, long-term records (which is what these will be). Give them to the National Archives--they actually know how to handle records and record users/researchers. (Once all the sites are closed, DOE and its Office of Legacy Management will probably go away, too. Give the records to the National Archives.) • P. 2, Vision, fourth bullet and Goal C: Aren't the compensation and benefits arrangements between contracting entities and contracting employees? How is it that DOE is ending up with this legacy? Is the expectation that contracting company pension funds will be handed over to DOE when sites are closed? • P. 7, paragraph 1: DOE has a NARA-approved Environmental Records Schedule. Refer to it here. In general, use what DOE has already developed rather than increase costs by inventing new processes and activities. DOE does not, however, have a NARA approved record series for Long-Term Environmental Stewardship Records. • P. 7, paragraph 1: One would expect a strategic plan to address the issue of estimated cost and how it is to be mitigated, not just to indicate that it's huge. Also, the volume of information under discussion and the number of sites to be addressed should be in the front part of the strategic plan, not buried back here under Goal B. • P. 7, Objective B.1, strategies, first bullet: DOE has a records management program. Is there any intention to leverage that capability? This is either duplicate effort or an indictment of the existing program. • P.7, Objective B.1, strategies, add a new strategy: "Establish a DOE record series for Long-Term Environmental (LTES) records." Rationale: DOE does not have an appropriate record series to assure retention of Long Term Environmental Stewardship records. Further, it must be clear that if Long Term Stewardship is utilized as part of any reference to DOE environmental records that the word "environmental" be included to clearly distinguish these records from the nuclear stockpile long-term stewardship records. • P. 7, Objective B.1, success indicators: Success indicators need to be measurable. Asserting that you'll know it's successful when it's effective and efficient just begs the question. How will you know it's efficient? What is your measuring stick? • P. 8, Objective B.2, strategies: will the records received be reviewed for releasability? Has the existing 200,000 cubic feet from Mound, Fernald, and Rocky Flats been reviewed already? • P. 8, Objective B.2, success indicators, second bullet: "Access provided to stakeholders to legally releasable custodial information." Even bad access that makes the stakeholders really mad will be a success indicator? What is the vision for measuring stakeholder satisfaction and ease of access? • P. 9, Situation, first paragraph: Are you talking about the Department's workers (i.e., government employees) or including the workers from the sites (most of whom never worked directly for the government)? This needs to be made clear right up front. Otherwise, contractor personnel may consider themselves government employees in the future. I would delete the first paragraph 	<p>1 6 1 3 6 4 4 6 6 6 2 4 2 2</p>
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29. John J. Baumgartner, National Nuclear Security Administration, Pantex Site Office	<ul style="list-style-type: none"> The Pantex Site Office (PXSO) has reviewed the subject document and has no requested changes or comments to the document. 	5
30. Rachel Claus, University Counsel for Stanford Linear Accelerator Center	<ul style="list-style-type: none"> The Stanford Linear Accelerator Center (SLAC) has a continuing mission to perform research in high energy (particle) physics, synchrotron radiation, and astrophysics. We are not scheduled at this time for closure. Therefore, on the face of it, it appears that the activities of the Office of Legacy Management will not affect SLAC, at least in during the period that the Strategic Plan covers. However, we are concerned with how DOE (whether through the Office of Environmental Management or another entity) will address ongoing environmental remediation issues and how will it address the likely substantial effort that will be needed, at some unknown future time, for environmental remediation going forward, and restoration and decommissioning of legacy contamination at facility closure. 	5 6
31. Elizabeth D. Sellers, Manager, Idaho Operations Office, DOE	<ul style="list-style-type: none"> Page 3, Paragraph 1 in “Corporate Management Strategy”: Please consider addressing how Legacy Management is involved in sites where Environmental Management (EM) projects are completed, but the site is not “closed”. Page 5, second bullet in strategies under objective A.1: This bullet is unclear as to what the transition point is for “managing final activities required” and what defines “significantly complete”. Page 5, fourth bullet in strategies under objective A.1: Please clarify what the contingency plans mentioned will address. Additionally, suggest removing, or clarifying to be consistent with later strategies, the text about ensuring that adequate funds are available for these contingency plans. Page 5, fifth bullet in strategies under objective A.1: From a strategic perspective, the word “current” in this bullet should be changed to “applicable”, which is also consistent with the language in the success indicators for this objective on page 6. Page 6, second to last bullet in strategies for objective A.1: This strategy would be more appropriate under objective A.3. Page 6, second bullet in strategies under objective A.3: Please clarify what is meant by “understanding alternative funding mechanisms”. How will this be measured? What is meant by alternative funding mechanisms? Page 7, first bullet in strategies under objective B.1: As part of this strategy, please add a statement about identifying the records requirements early, thus allowing programs to incorporate early on to ensure an efficient transition of information to LM. Page 9, third paragraph under “Situation”: This paragraph specifically mentions the employee benefits entitled to “closure site” employees and mentions that the department is committed to “ensuring the continuity of pension and medical benefits for employees”. NE-ID assumes this is for workers where the sites have closed down and the workers are no longer employed. It also mentions that the department's current unfunded liability for post-closure benefits is in excess of \$1 billion. In light of this huge liability that will continue to grow, LM needs to clarify if textual information presented here also applies to “project completion” employees at a “site” with a continuing mission and sponsor (albeit a different Program Secretarial Official than that of the complete project). Resolution should also be reflected in the second to last sentence in the fourth paragraph on this page (“...comprehensively at all closure facilities.”). Page 9, third paragraph under “Situation”: Additionally, the last sentence in the paragraph does not make logical sense (e.g. plan sponsor cannot have fiduciary duties, but fiduciary duties must remain with plan sponsor). Page 9, third bullet in strategies under objective C.1: Revise to read, “Clarify and streamline the processes...” Page 10, fourth bullet in strategies under objective C.1: Revise to read, “Implement a model program designed to ...” Page 10, success indicators under objective C.2: The success indicators have no measure for many of these strategies, such as the fifth strategy that should be fairly straightforward to measure. Include appropriate success indicators for each of the strategies. Page 10, success indicator under objective C.3: This success indicator (cost savings) does not seem appropriate as the only measure for the strategies indicated for this objective. Page 11, objective D.1: Include in this objective providing guidance to programs on the topics indicated for land not yet managed 	6 2 2 1 2 2 2 2 2 2 2 2 1 2 2 6 2

	<p>by LM. Also indicate that property assets will be managed according to DOE rules and regulations.</p> <ul style="list-style-type: none"> • Page 12, second bullet in strategies under objective D.3: This bullet is more of a “role” of LM rather than a strategy. A strategy may be to influence decisions about federal stewardship responsibilities on the mentioned advisory committee. • Page 13, second bullet in strategies under objective E.1: Clarify this bullet to indicate what the funding from outside the department will support (e.g. funds for new businesses, employees). • Page 13, second bullet in success indicators under objective E.1: This indicator does not appear to measure the strategies under this objective. • Page 13, second bullet in strategies under objective E.2: Clarify that DOE will assist the CRO in creating and retaining jobs in the community, as DOE does not directly create or retain jobs in this case. 	6 2 2 2
32. Carole Byrd, Office of Procurement Services, DOE	<ul style="list-style-type: none"> • EXECUTIVE SUMMARY: Second paragraph: On October 1, 2003, the Department will...Future tense is inappropriate – need past tense • Fourth bullet: manage legacy and and assets...Delete repeated word. • PART II, Vision: First paragraph & last bullet: department workers & departmental work force & departmental workers • Use term from fourth bullet the Department’s former contract work force. There are reasons why the Department has always been careful not to call contractor employees the department’s workers. We do not deal with them directly, the contractor does. In the case of labor, that is important. • PART IV, Goal C: Situation Third paragraph: Some of the benefits (defined benefit pension, self-insured long-term disability, medical continuation, severance, retiree life and health insurance) have been either not fully funded or not funded at all. It is anticipated that at least with respect to retiree medical benefits, there will be a continuing need to administer and manage a benefit program to deliver the promised benefits. • These two sentences do not provide an accurate description. Defined benefit pension plans may not be adequately funded in some cases. Medical benefits are pay as you go. The second sentence is inadequate. There will be a need to administer the defined benefit pension plans, etc. as well. • Fourth paragraph: The liability will more than likely not be fully settled for decades. • What do you mean by fully settled? This needs to be better explained. • Objective C.1., Strategies: Third bullet: Clarify the processes, roles and responsibilities from review to approval of benefit plan changes. What benefit plan changes? Separation benefits? Doesn’t OCHRM still have responsibility for benefit plan changes? • Fourth bullet: ...make the medical benefits program more consistent across closure sites,.. • Eligible former employees continue existing medical benefits in which they are enrolled when they separate. You need to coordinate with OCHRM on this. Standardization is not consistent with Department philosophy & policy for total compensation management. • Objective C.2., Strategies: First bullet: Direct work force planning to control the amount of enhanced severance benefits that are permitted for a particular work force separation. • Direct who? How is controlling the amount of enhanced severance a strategy for accomplishing the objective of Ensuring the fair treatment of workers by effectively planning and managing work force restructuring and by providing incentives for orderly reductions in contractor personnel? • Second bullet: Provide separation benefits comparable to industry standards while achieving annual savings that are three times the one-time cost of separation. Same problem as first bullet. Strategy does not align with the stated objective. If the objective is to save money, you need to say so in the objective. • Success Factors, Second Bullet: Reduction of displaced work force on unemployment. • What do you mean? Fewer displaced workers receiving unemployment insurance benefits? Is this an indicator of success in helping displaced workers find new jobs? If this is what you mean, then suggested wording: Reduction in the number of displaced workers receiving unemployment insurance benefits. • Objective C.3., Strategies: Third bullet: Implement the contract reform initiative, outsourcing policy, and other strategic alignment 	1 2 2 2 2 2 6 2 2 6 6 2 6 2 2

	<p>elements. This needs more explanation. How does this promote an improved working relationship between labor and management etc., i.e., objective C.3?</p> <ul style="list-style-type: none"> • Success Indicator: Annual cost savings (as compared to the one-time cost of separation). • How do cost savings indicate success in promoting an improved working relationship between labor and management etc., i.e., objective C.3? Need another success indicator for Objective C.3. 	<p>2</p> <p>2</p> <p>2</p>
33. Amy S. Fitzgerald, Ph.D., Government and Public Affairs Coordinator, City of Oak Ridge, TN	<ul style="list-style-type: none"> • The placement of an organizational chart on the blank page opposite Page 1 would help readers understand Legacy Management's role within DOE. • In the Background section on Page 1, the statement is made that "Resources are being and will continue to be allocated to aid communities affected by the Department's changing mission, enabling them to remain economically viable." Yet communities like Oak Ridge are very concerned that DOE's current budget and proposed FY05 budget for the Office of Legacy Management is inadequate to support a viable worker and community transition program. Over the next decade, the Environmental Management (EM) workforce will be expected to 'work themselves out of a job,' and will require a measure of support commensurate with the needs of a changing workforce, e.g. retraining, career counseling, health insurance, etc. Likewise, communities that host EM sites will require some measure of funding for transition activities such as facilitating the site's redevelopment through marketing and installation of infrastructure, and/or participating in DOE's long-term stewardship program. • On Page 1, consider using the term "continuity of worker benefits" or a similar phrase instead of "human legacy issues." • On Pages 2 & 5 (under strategies), consider adding a statement related to Goal A "Protect human health and the environment through effective and efficient long-term surveillance and maintenance" that addresses whether Legacy Management would also promote the use of new technologies to meet the goal. • On Page 3, clarify and expand on the statement "Legacy Management is a Department-wide responsibility" to differentiate that different program offices, e.g. EM, Science, and the National Nuclear Security Administration will have responsibilities for legacy issues, depending on the site's organization. For example, there has been discussion that the Office of Science and NNSA, rather than Legacy Management, would have the lead for long-term stewardship for the Oak Ridge Reservation. The strategic plan should clarify general roles and responsibilities, even if the details have not been worked through. • On Page 7, Goal B "Preserve and Protect Legacy Records and Information," add "host local governments" to the second bullet under "Strategies" so that the statement reads "Identify, evaluate, and coordinate the development of Legacy Management records and information management practices with internal and external organizations and host local governments." • Goal D "Manage Legacy Land and Assets, Emphasizing Safety, Reuse, and Disposition" should include as a strategy "the deployment of new technologies to reduce health and environmental risks, the costs and size of the LM program." LM's goals associated with community transition and Goal D are interdependent. • Because some sites do not have community reuse organizations, add "local governments" to Goal E, "Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Departmental Missions," specifically to Objective E.2 and associated strategies. • Add "expand and diversify the local tax base" as a success indicator for Goal E on Page 14. In some communities like the City of Oak Ridge, the creation of jobs alone does not help the economy if the workers reside elsewhere. • Consider adding a table that compares functional responsibilities of LM and EM, and a graph to show at what point EM functions would phase into/transition to LM. 	<p>6</p> <p>4</p> <p>6</p> <p>6</p> <p>6</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>4</p>
34. David D. Breshears, Ph.D., Earth and Environmental Sciences, MS J495, University of California-Los	<ul style="list-style-type: none"> • Comment 1. The importance of accounting for and protecting the Congressionally-designated National Environmental Research Parks that reside within DOE holdings, as well as the conservation and scientific legacy associated with them, should be specifically called out. This comment applies to Objectives A.1, D.1, and D.2, as well as potentially to other objectives. • Comment 2. The Office of Legacy Management should invest in process-based environmental work needed to make monitoring more affecting by providing the basis for ecological and risk-based forecasting. This comment applies to Objectives A.1 and A.3, as well as potentially to other objectives. 	<p>6</p> <p>6</p>

Alamos National Laboratory	<ul style="list-style-type: none"> Comment 3. The monitoring programs should account for the potential large, rapid changes, such as in vegetation and erosion, that are likely to accompany climate variation and change. This comment applies to Objectives A.1 and A.3, as well as potentially to other objectives. 	6
35. Rachel Claus, University Counsel for SLAC, Stanford Linear Accelerator Center	<ul style="list-style-type: none"> The Stanford Linear Accelerator Center (SLAC) has a continuing mission to perform research in high energy (particle) physics, synchrotron radiation, and astrophysics. We are not scheduled at this time for closure. Therefore, on the face of it, it appears that the activities of the Office of Legacy Management will not affect SLAC, at least in during the period that the Strategic Plan covers. However, we are concerned with how DOE (whether through the Office of Environmental Management or another entity) will address ongoing environmental remediation issues and how will it address the likely substantial effort that will be needed, at some unknown future time, for environmental remediation going forward, and restoration and decommissioning of legacy contamination at facility closure. 	5 4
36. Ann M. Brown, President, Demand Management, Inc.	<ul style="list-style-type: none"> General Comments: The plan states that it covers a period from Fiscal year 2004-2008. The strategic plan should not have a five year window associated with it. If it is a true strategic plan, than it should look beyond the five year horizon. The new RPM order calls for a 10 year plan – will this be turned into LM's 10 year plan? The relationship between EM and LM is not defined. One would expect that this would be clearly defined given the fact that this is the main program feeding into LM. In addition, both Mike Owen and Jesse Roberson have spoken at length about the tight relationship between the two organizations in address concerns regarding the formation of LM with Congress and various stakeholder groups. One key success indicator would be the seamless transition from EM to LM. There is no discussion of who will be responsible for post cleanup obligations at sites with ongoing missions. At a minimum, it should acknowledge who will be responsible and how they will interact with LM, especially if LM is viewed as the experts. Is the department going to develop redundant capabilities to support post cleanup requirements at the sites that are not going to close? Is this going to be the Office of Future Liabilities? The increased focus on Risk-based cleanup has resulted in an increase in reliance of engineered and institutional controls in the Department of the Navy. It has lead to specific policy decisions and development of a national database to track institutional controls. With DOE currently using a similar approach there should be an active element of LM that is working with EM to address these issues. Nothing is discussed in the plan that recognized the risk based approach to cleanup will require more extensive involvement of LM in the helping define the selection of the remedy. No discussion of looking to other federal agencies for new and innovative ideas or lessoned learned to manage the post cleanup requirements or for transition policies and new legislation for transferring the land to others (even with controls attached). The use of subjective terms such as "high percentage" leaves the impression that the program is setting expectations just good enough to get by. Use this document to illustrate that LM is going to accept nothing but the best, that expectations are exceedingly high. Part 1. Background First paragraph: The intro paragraph creates a picture that the Department went directly from nuclear weapons production and stockpiling to Legacy Management; there is no mention of the cleanup conducted by EM in the first paragraph. Third paragraph: "During the past decade, the Department..." should probably read "During the past 15 years, the Department..." since cleanup started approximately in 1989 (15 years ago). The following could be added to the list in the sentence that describes the positive achievements of EM: "... thousands of acres have been designated for conservation..." More background information should probably be included regarding what the "earned benefits" are. Fourth paragraph: The text says that "there is an even greater need to manage the Department's legacy liabilities." This gives the reader the wrong impression because there should actually be a "lesser" need to manage the liabilities, because the number of liabilities have been decreasing since EM has been cleaning up. Include the congressional language regarding the mandate for why this office was created. This is a key paragraph that gives the justification for the Office of Legacy Management. It is important to make this "punchy." 	6 6 6 6 2 2 2 2 2 2

	<ul style="list-style-type: none"> • Fifth paragraph: The term "post-closure" responsibilities is inserted, but not explained. It would be helpful to explain what "post-closure" to help answer the question of how does it relate to "cleanup" and "post-cleanup?" 	2
	<ul style="list-style-type: none"> • The sentence that begins with "Successful completion of the..." implies that EM was not previously focused on cleanup. Instead, point out that LM's responsibilities are an emerging area" and that LM is required because EM's job is getting done. It is unclear what is meant by the last sentence of the paragraph. What does "long-term effects of mission changes" mean? 	2
	<ul style="list-style-type: none"> • Eight paragraph: It would be helpful to describe the new organizational structure here to provide the reader a greater understanding of how LM will meet its mission, vision, and goals. 	6
	<ul style="list-style-type: none"> • Part II. 	
	<ul style="list-style-type: none"> • Mission: What does it mean to "manage the effects of changes in the Department's mission requirements?" It seems to imply that if any change in a mission happens (e.g., a particular PSO changes its mission slightly, property is transferred from one PSO to another without LM being the transferor or transferee), LM will be there. What are the changing mission requirements? Would recommend being more specific as to "cleanup and closure" requirements. 	2
	<ul style="list-style-type: none"> • Vision: The opening sentence makes it sound like LM's responsibility is to preserve jobs. It might be better to use a phrase like "legacy workers" or "former workers" than to say "department workers," assuming that this sentence is related to preserving worker pension and medical benefits. 	2
	<ul style="list-style-type: none"> • First bullet rewrite: "Human health and the environment are protected, and the remedies are maintained at protective levels..." 	2
	<ul style="list-style-type: none"> • Second bullet could read: "Relevant records and information..." or "Important long-term records and information..." to clarify what types of records will be preserved. 	2
	<ul style="list-style-type: none"> • 4th bullet could read: "The Department's former contract work force is compensated as required through effective management..." Without the rewrite, it sounds like it is a new form of compensation. 	2
	<ul style="list-style-type: none"> • The 5th bullet is not quite parallel to the Goal expressed in D. The emphasis in the bullet is on beneficial use. The emphasis in D is on management of the assets. 	2
	<ul style="list-style-type: none"> • Also, the 5th bullet implies that when the land was being cleaned up it was not in the "most beneficial use." 	2
	<ul style="list-style-type: none"> • Goals: 	
	<ul style="list-style-type: none"> • Take out the word "all" in Goal B. It implies that all records, including records not needed for LTS&M, will be transferred to LM. 	2
	<ul style="list-style-type: none"> • Goal C implies LM support ongoing missions through the use of the phrase "support an effective and efficient work force structured to accomplish departmental missions," but I thought LM is only where there are no ongoing missions. How does the phrase reconcile with LM's responsibilities? 	2
	<ul style="list-style-type: none"> • Part III. Strategy and Principles: Strategy: Although Goal E in Part II talks about mitigating community impacts, the first paragraph in Part III doesn't mention "mitigating communities impact" in its list of LM's responsibilities. 	2
	<ul style="list-style-type: none"> • The list of sound management principles should begin with a new bullet inserted that talks about LM "meeting requirements," that LM is "requirements-based." 	2
	<ul style="list-style-type: none"> • A new bullet can be added at the end of the list of principles that addresses LM being a part of departmental decision-making, otherwise, the first time this concept is heard by the reader is in the "Principles" section, where it catches the reader off-guard because the concept has not been introduced before. 	2
	<ul style="list-style-type: none"> • It gets confusing seeing the use of the word "principles" in this section while the next section is titled "Principles." 	2
	<ul style="list-style-type: none"> • Part III. Principles: The third principle is inconsistent whether it is for "natural and cultural resources" or for "ecologically and culturally" important areas. 	2
	<ul style="list-style-type: none"> • The 2nd and 4th principles appear to address the same topic. 	2
	<ul style="list-style-type: none"> • 4th principle – Life Cycle Asset Management has been replaced with Real Property Asset Management. 	2
	<ul style="list-style-type: none"> • Part IV. Objectives and Strategies: Goal A, Objective A.1: The 2nd strategy uses the phrase "where environmental restoration is significantly complete." This seems to be the first time the phrase is used and it is unclear what that means. How does that match up with the EM definition of cleanup completion? And what are "final activities?" 	2
	<ul style="list-style-type: none"> • Describe in the 4th bullet for what types of contingencies the plans are developed. 	2

	• The 2nd to last strategy implies DOE will do as little LTS&M as possible. Also, isn't the level of LTS&M set by the requirements of what EM leaves behind, and not by LM?	2 2
	• Last strategy is a good one. Should that also go under the Land Management goal?	
	• The definition for the Success Indicator of "high percentage" is unclear. What does high percentage mean? More than 50%? 70%? 90%?	2 2
	• The last success indicator is unclear. The community acceptance of remedies should come under EM's watch with LM providing the input on how the department will meet its long term obligations. It also seems to place a lot of power in the hands of stakeholders.	2
	• Objective A.3: This is a great objective. Is there a similar parallel one for each of the other goals as a re-evaluation tool?	2
	• Goal B. Situation: It appears that LM will accept ALL records from the transferring site. Is that true? Or will LM only manage those records that will be required for LTS&M? The 2nd sentence in the last paragraph uses the words "internal and external." It would be helpful to define those terms more explicitly, rather than use these "code" words.	2 2
	• It is unclear why the last sentence in the last paragraph is in this section. It implies that stakeholder involvement is going on, but it doesn't describe the stakeholder involvement. It is also unclear what LM processes and future decisions it is talking about. Does it mean "The program will work closely with the public to ensure that the information stakeholders need to participate in the LM public participation process is available to them"?	2
	• Objective B.1: Emphasize that the strategy for this goal is "requirements-based," i.e., not ALL records will be preserved in perpetuity, only those records that are required.	2
	• Objective B.2: Add as a Success Indicator the ability for information to be available to meet LTS&M needs.	
	• Goal C Effective and Efficient Work Force, Situation: 2nd paragraph. How were those annual savings achieved? Is that just because fewer workers are being paid or is it more than that? Clarify to the reader how the Department achieved those savings.	2 2
	• This section is written in a way that assumes the reader understands what "departmental restructuring" is and what the issues are regarding work force restructuring and worker and pension benefits. It would be helpful to provide more background information regarding these issues. For example, there is a parenthetical listing of benefits in the middle of the 3rd paragraph. It would be helpful to provide that list earlier in the background section.	2
	• More information on what is being shown in the graphic should be provided. For example, why is the pension liability pulled out as a separate line? Does "accrued" mean "cumulative?" What sites are covered in the graphic?	2
	• Objective C.2: What is meant by "control" in the first strategy?	
	• The 2nd strategy seems to actually contain a Success Indicator "...saving that are three times the one-time cost of separation."	2
	• Objective C.3:	2
	• How the annual cost savings are determined should be presented in the background section. That will help the reader to better understand the success indicator.	2
	• Goal D., Situation: The discussion of Legacy Management will consider environmentally sound future land uses for its properties lead one to believe that the LM can change the land use designation. This is driven by the remedy and unless the land has been cleaned up for unrestricted use, the regulatory (statutory in some cases) process will define the reasonably anticipated land use.	2
	• Objective D.1:	
	• There are no strategies that seem to be specific to the management of cultural, natural, and historical resources. The strategies seem more focused on land management.	2
	• In the first success indicator, what is meant by the "land assessment strategy?" Describe more clearly what is being assessed (that could be done in the Situation section).	2
	• Objective D.2: The success indicator should also include the number of acres transferred out of DOE control, so that the Department is no longer the 4th largest federal landowner.	
	• Goal E. Situation: It would be helpful to provide more background information about why mitigation is needed in the first place, e.g., to create replacement jobs, provide opportunities for communities to develop economic development strategies to address lost jobs	2 2

	<p>jobs.</p> <ul style="list-style-type: none"> • Objective E.1: Clarify in the first strategy what type of information is provided in the clearinghouse. • The 3rd strategy implies DOE will fund an entire project. Maybe say instead "Provide some funding..." or "Initial funding..." or "Seed funding..." • The 4th strategy uses the phrase "community transition funding proposal." It would be helpful to explain what a "community transition project" is prior to this bullet. • The first success indicator is written in a general manner. Provide more specific indicators, such as new jobs, \$ coming to the community (similar to the success indicator in E.2) • The 2nd success indicator talks about annual cost savings. But it is difficult to see how DOE will save money when all of the strategies will require DOE to spend money. Explain where these cost savings come from. • Objective E.2: How is the 2nd objective different than the first? Can't the CROs participate in E.1 strategies as well? • What is the baseline for the measurement of the success indicator? Is it an increase in jobs from after the mission changes? Or from before the mission changes? 	<p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p>
37. Carol Bonadie, Human Resources Manager, Hanford Environmental Health Foundation	<ul style="list-style-type: none"> • Page 1, paragraph 2 - change 50 to "nearly 60" , or over 50 years..... The Hanford Site has been in existence for almost that long. • Page 7, 3rd bullet under Situation - changes to text is highlighted in bold blue text... The records include information on employment, work activities and health data of site personnel, which will be crucial to assuring workers of the continuity of their medical and pension benefits, and potential eligibility for benefits under the Energy Employees Occupational Illness Compensation Program Act, or similar programs.. • Page 7 - Include in one of the objectives, perhaps objective B.2, a statement regarding privacy protection for medical records. 	<p>1</p> <p>2</p> <p>4</p>
38. Jack and Patricia Watson	<ul style="list-style-type: none"> • Overall the plan looks good, and I was pleased to see that there were several "Success Indicators." A plan such as this has several key problems that are difficult to incorporate into a short document, and long detailed documents are usually not desirable. I believe that the main problem you will have with the document will come from the lack of trust that so many regulators and, especially, stakeholders have in DOE. This distrust is one of the legacies DOE faces, and nothing is gained now by try to assigning fault for this problem. I have had limited contacts with stakeholders and regulators, but the contacts I have had do suggest a problem. As former employee of a DOE contractor (ORNL), I feel that this is partly my problem as well. A lack of trust means that it will be necessary at some point to provide more details to reassure the key groups. It is very difficult to get that much detail into a short and usable document such as the plan. I will try to point out a few places where I suspect the mistrust will appear. • Although the plan does not say that LM will not continue cleanup, I'm afraid that many will perceive LM as a way to write-off sites that are still contaminated from EM books. This problem will arise where there is a disagreement about the degree of cleanup needed. Remember that some local groups will think about everything becoming greenfields, even when realistic risk evaluation will not show that the be practical or cost effective. It is likely that most sites can be left with some contamination, and all contaminants that can't be destroyed will eventually go somewhere. Nevertheless, there are numerous serious but reasonable regulators and stakeholders who understand the problems very well but still want and need assurance that the cost-effective methods used will still be sufficiently effective. The actions as well as this plan should try to satisfy those people. • The financial responsibilities for pension, health care, etc. seem to be much different from the environmental and monitoring responsibilities. Different types of people will be needed to run the two functions, and some may question the ability of a single leader to be expert in both areas. There may be a fear that one function will gain more attention and weaken work on the other function. • The use of non-headquarter groups to perform much of the work may worry some. The plan doesn't say how deeply HQ staff will be involved or that the lead responsibility will be at HQ. This, again, could be read by some as an attempt to distance the main players at DOE from LM issues. I wondered if one non-HQ site would handle the financial responsibilities and the other handle the environmental issues. It seemed that duplication of responsibilities should be minimized. • The "Background" section makes claims that may be perfectly true, but they are not obvious enough to convince those who are 	<p>5</p> <p>6</p> <p>6</p> <p>4</p>

	<p>skeptics. Perhaps, those points should be explained more carefully. For instance, one paragraph says that "Removing the long-term stewardship and benefit continuity functions from EM after site closure and remediation will not only enable EM to better do its efforts on remediation, but also enable LM to consolidate programs of a similar nature. This move will provide the affected communities a single focal point of LM expertise and facilitate communication among the elements of LM." Unfortunately, this does not explain how these benefits will arise. Some readers will still ask how and why a separate LM program would be better than the existing EM program. Couldn't EM do all of those functions as well? I'm sure that the organizers have reasons to see improvements in the new system, but some or all readers will not find those improvements obvious.</p> <ul style="list-style-type: none"> • Finally, one question that most of the skeptics will ask is who has key responsibilities. For instance, will EM or LM decide when a site is ready for transfer from EM to LM? Of course, similar questions arise from essentially any action of EM (and will arise for LM as well). Does DOE have the power to decide when enough is enough, or does an other agency (EPA, NRC, etc.) have a say or any control? • I want to mention that DOE is, to my knowledge, the first major agency to face the LM issues so directly. I have read and heard of far more massive (more sites and/or more land area affected) problems in DOD and DOC. If those agencies do not have anything like a DOE LM program, they will probably be creating one at some time. The DOE program may serve as the leader among government agencies in these efforts. It is important that the program succeed since it may affect the acceptance of similar programs from other agencies in the future. 	6 6 6
39. Fluor Hanford	<ul style="list-style-type: none"> • Executive Summary: General comment – While legacy management may be an enduring commitment by the federal government, the Department should consider avoiding reference to OLM as a “sustainable” entity. We should presume that advances in science, technology, business and human participation in the process will limit the scope and ultimately the need for a long-term federal agency to fulfill the commitment. • Second line - change “environmental contamination” to “environmental impact” Basis: The legacy goes beyond material contamination of the environment to include other impacts associated with remediation such as potential loss of future productive value of the land, restricted human access to land and river, and alteration of the skyline (e.g., large scale environmental caps). • Second bullet – change to read “preserve, protect and provide access to legacy records and information” Basis: Access to the information is key to ensuring close coordination with stakeholders, et.al., cited in the last paragraph of the Executive Summary. • Part I Background: Third paragraph, last two sentences – change to read “...are receiving earned benefits that are expected to continue. Resources being allocated to aid communities affected by the Department’s changing mission are also expected to continue.” Basis: As drafted, the text may overstate current and future benefits to the work force and to affected communities. • Part II Legacy Management Mission, Vision, Goals: Vision, fifth bullet – change to read “...the most beneficial public and private use considering emerging opportunities and the Department’s mission requirements.” Basis: This reinforces the Department’s emphasis of Goal D, Objective D.1 Strategy to actively seek transfer or lease of federal land for beneficial use. • Part III Corporate Management Strategy and Principles: Corporate Management Strategy, second paragraph, first bullet – delete the second sentence Basis: The first sentence stands alone. Reference to focused federal staff and competitive procurement go without saying. There is no apparent basis for tasking OLM with development of model business practices for the federal government. Corporate Management Strategy, second paragraph, second bullet – change “forums are created” to read “actions are taken” Basis: The traditional forum is not likely to be the most effective means of engaging the public as technology continues to advance. • Corporate Management Strategy, second paragraph, third bullet – change to read “Apply historical practices...”Basis: This clarifies “what” versus “how.” The term “optimize” implies a degree of implementation and, as such, should be an outcome of the competitive procurement process. Pure optimization can be expensive, may not be needed and may not always be in the best interest of the government or the taxpayer. • Principles, last paragraph, last sentence – change to read “In turn, heightened public and tribal government awareness facilitates...” Basis: Tribal governments are distinct from the public. • Part IV Objectives and Strategies for Legacy Management Goals: Goal A – Objective A.1, Strategies, second bullet – change to read: “Perform and manage final activities required upon completion of Environmental Management responsibilities.” Basis: As 	6 1 2 1 2 1 1 1 1

	<p>written, the strategy potentially assigns environmental restoration scope to OLM which EM is mandated and better equipped to perform</p> <ul style="list-style-type: none"> • Objective A.1, Strategies, sixth bullet – change to read: “...and local governments to apply lessons learned and technologies.” Basis: Reflects a bias for action. • Objective A.1, Success Indicators, third bullet – change to read: “Community, state and tribal government acceptance of maintaining remedies.” Basis: Reflects the larger constituency. • Objective A.2, Strategies, third bullet – change to read: “Apply advances in science and technology to ensure protection.” Basis: Reflects a bias for action. • Goal B – Objective B.1, Success Indicators – add a new fourth bullet: “Timely access to information experienced by internal and external users.” Basis: Access to the information is key to ensuring close coordination with stakeholders, et.al., that is essential to achieving this goal. • Objective B.2, Strategies – third bullet, change “sustained” to “cost-effective” • Objective B.2, Success Indicators – third bullet, change “Cost-effective” to “Significant use of” Basis: Reflects a bias for purpose-driven access to information. • Goal C – Objective C.1, Strategies, third bullet – this bullet appears to be inconsistent with the goal of assuring worker pension and medical benefits while the goal risks overstating the current and future benefits to the work force. In lieu of further clarification, delete this bullet. • Objective C.2, Strategies, second bullet – delete Basis: This strategy assumes that the risks and responsibilities of this industry are on par with industry in general and that equity for the worker is measured in savings that are multiples of the cost of separation. Both are debatable and appear to be inconsistent with the fair treatment objective. • Goal D – Objective D.1, Success Indicators, third bullet – change to read: “Integration of natural, cultural and historical resource protection requirements for lands and facilities.” Basis: Avoids reference to OLM as a sustainable entity. 	<p>2</p> <p>1</p> <p>2</p> <p>1</p> <p>2</p> <p>1</p> <p>2</p> <p>2</p>
40. Melinda Downing, Environmental Justice Program Manager , DOE	<ul style="list-style-type: none"> • Overall, this is an excellent Strategic Plan. The “spirit” of public involvement and community concern is present throughout the document, especially in Goal E, “Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Departmental Mission.” • Executive Summary (last bullet on page ii), change to: “Work with communities to mitigate environmental and economic impacts resulting from the cleanup of legacy wastes and changing departmental missions”. Rationale: “work with” denotes proactivity and public involvement. • Part I, Background (page 1, third paragraph from the bottom), add: “Special care will be taken to ensure that the principles of Executive Order 12898, “Federal Actions To Address Environmental Justice in Minority populations and Low-Income Populations,” are part of all LM actions.” • Part II, Legacy Management Mission, Vision, Goals . . . (page 2, Section E), change title of Section E to: “Work with communities to mitigate environmental and economic impacts resulting from the cleanup of legacy wastes and changing departmental missions” (matches word change in Executive Summary). Add the word “all” to the following sentence: “This goal recognizes the Department’s commitment to mitigating the impacts on all communities caused by site closure, changing departmental missions, and work force restructuring.” • Part III, Corporate Management Strategy Management and Principles (page 4, end of final paragraph), add: “The Department also recognizes its responsibility to ensure that environmental justice principles are incorporated into all legacy management decisions.” • Goal E, Mitigate Community Impacts . . . (Title, top of page), Change title to: “Work with communities to mitigate environmental and economic impacts resulting from the cleanup of legacy wastes and changing departmental missions” (matches word change in Executive Summary and Mission, Vision, Goals). • Goal E, continued. (end of paragraph 1) add: “The Department is also committed to continuing programs and projects that address the needs of impacted low-income, rural, minority and traditionally under-represented communities. Emphasis is on building community capacity to better participate in the decision-making process, and mitigating environmental and economic impacts from 	<p>1</p> <p>2</p> <p>1</p> <p>2</p> <p>1</p> <p>2</p> <p>1</p>

	departmental decisions.”	
41. Malika Hobbs, Program Manager of the Massie Chairs, DOE	<ul style="list-style-type: none"> • LM’s Strategic Plan clearly defines the mission and required functional areas to successfully accomplish its missions. This plan was reviewed from the perspective of Massie Chairs involvement to assist LM in the implementation of its strategic plan. • Executive Summary (page ii – last paragraph (2nd sentence) - This strategy includes processes for implementing state-of-the-art business practices, incorporating future advances in science and technology, and ensuring close coordination with stakeholders, Congress, regulators, and state, tribal, and local governments. The participating Massie Chair Institutions can provide state of the art science and technology tools and capabilities. Also, over the past ten years, the Massie Chairs have established successful environmental initiatives and partnerships with stakeholders throughout the United States and overseas. • Page 1 (last paragraph) - In addition to programmatic functions, LM will inherit regulatory and legal responsibilities associated with the sites that transfer in its authority. This strategic plan addresses the responsibilities that LM will inherit and outlines a comprehensive management plan to ensure that all environmental and human legacy issues are appropriately addressed. The Chairs can offer a green quality function deployment methodology that provides quantitative and unbiased information and is database driven. • Page 3 – Corporate Management Strategy (2nd paragraph (1st sentence)) – The LM program will be amended when appropriate to reflect rigorous analytical foundation, full utilization of state-of-the-art business practices, and effective coordination with stakeholders. The Chairs utilize a scientific approach and are engaged in analytical methodology. The analytical laboratories at these universities can assist LM with developing a rigorous analytical foundation. • Page 3 – Corporate Management Strategy (2nd paragraph (2nd bullet-1st sentence)) – Ensure that all stakeholders and state, tribal, and local governments are efficiently informed and that forums are created to encourage public participation in the management process and future LM decisions. The Massie Chairs can provide the leadership role in holding a wide range of conferences and meetings on various topics, from risk mitigation and long-term monitoring to data-driven decision support and life cycle assessment. • Page 6 – Objective A.2 and Objective A.3 (Success Indicators). In assisting LM with long-term surveillance and maintenance, the Massie Chairs can provide life assessments combined with a four (4) dimensional surveillance system that tracks the movement of contaminants over a ten to thirty-year period to combine information with a Geology Information System (GIS). The Chairs can also assist in the development of a system to “objectively and quantitatively” measure risk reduction. • Page 11 – Objective D.1 -Success Indicators- (1st Bullet) – Development and implementation of a credible and affordable land assessment strategy. The Chairs have extensive expertise and could assist LM in developing this strategy through a systems engineering and life cycle approach. 	5 2 6 6 6 6 6
42. Office Of Performance Intelligence & Improvement, EM, DOE	<ul style="list-style-type: none"> • It appears the plan was drafted before October 2003. When the plan is rewritten it should reflect that LM has been established and it has begun to carry out its responsibilities. • There is a major lack of discussion related to the intensive interface effort that will be required to transition sites and records into LM’s keeping. Recommend that the Strategic Plan put more emphasis on the integration between Legacy Management, the Closure Sites, and DOE HQ during the transition process. Integration represents the most important factor for a successful transition. Example integration activities include the following: joint development of the Budget formulation, crosswalk of LM requirements to site specific requirements; development of an integrated federal baseline; agreement in the Site Transition Plan on the definition of terms; transition and storage of site records; lessons learned; and scope transfer. Suggest including a chart or graphic to show how facilities pass from EM (or another organization) to LM. The graphic might be similar to the one used originally in EM which showed facilities passing from the Office of Environmental Restoration to the Office of Integration and Disposition. 	1 4

	Disposition.	
	<ul style="list-style-type: none"> Throughout the document, it seems that community relations efforts immediately go into LM's management. EM is currently funding these efforts and will be supporting these efforts until transition. Further, EM still has not developed policy regarding the outcome of Federal Facility Agreements at time of transition. Options include termination, transition intact or changed to reflect new PSO. The plan might also be enhanced by the use of the words found in previous reports prepared by the Office of Worker and Community Transition. The reports indicated that DOE is a good neighbor to its sites by supporting community reuse organizations and efforts made to retrain, expand, and create jobs for workers affected by restructuring, which occurs as EM work is completed. 	2
	<ul style="list-style-type: none"> There is only one reference to baseline in the current document. In order to clearly understand the activities necessary by both EM and LM for a smooth transition, these actions should be reflected in an integrated Federal baseline. It should include the activities, interfaces, interdependencies and logic between LM and EM. Recommend that an integrated federal baseline between the closure site and LM be an intrinsic part of LM strategy included to ensure smooth transition. 	2
	<ul style="list-style-type: none"> There is a lack of clarity regarding Workforce strategy. LM seems to be preempting decision-making authority for other departmental elements regarding Workforce. Suggest emphasis on the workforce tasks that LM will perform Post-decision. 	2
	<ul style="list-style-type: none"> Page 1, Part 1, Column 1, Paragraph 3: There is a reference to community assistance programs that do not appear to be carried out by LM at this time. This may be a task carried out by LM post closure and transition. 	2
	<ul style="list-style-type: none"> Page 1, Part 1, Column 2, recommend adding a discussion on a "phased approach to acceptance" which means that LM would accept agreed upon portions of sites into their program as they are completed – in lieu of receiving the entire site at one time. This approach would allow for lessons to be learned and applied throughout the transition process. 	2
	<ul style="list-style-type: none"> Page 1, Part 1, Column 2, paragraph 2: There is some negative wording regarding EM: Suggest: The transition of long term surveillance and maintenance responsibility from EM to LM will allow both offices to focus on their primary missions. 	1
	<ul style="list-style-type: none"> Page 2, Part II: Suggest the following: To manage the long term legacy requirements of the Department of Energy to ensure responsible stewardship of the environment and protection of human health & benefits. 	3, 2
	<ul style="list-style-type: none"> Page 2, Part II, Bullet 6: What responsibilities other than maintenance of health information and benefits related to workforce are covered by this bullet? This seems to imply that activities such as the A-76 impacts would be conducted in legacy management. 	2
	<ul style="list-style-type: none"> Page 3, Part III, Column 1: Recommend addressing the link to DOE Order 413.3 (CD-4) requirements for long term surveillance and maintenance. There is again a stress on public participation, which does not seem to be emphasized in the current organization. 	2
	<ul style="list-style-type: none"> Page 3, Part III, Column 2, Last paragraph: LCAM Order has been replaced by DOE Order 430.1B. 	2
	<ul style="list-style-type: none"> Page 5, Part IV, A.1, Bullet 2: The bullet states that LM will "perform and manage final activities". This seems to equate to site close out activities which, at the present time, is definitely an EM function. There appears to be a conflict with the performance of remediation activities and the Stand-up Memo for LM. 	2
	<ul style="list-style-type: none"> Page 5, Part IV, A.1, Bullet 4: The referenced contingency plan needs to be further defined in the bullet. There needs to be a risk management plan. LM would need to ensure that a rigorous risk management process is in place and the mitigation strategy and resources are available. 	2
	<ul style="list-style-type: none"> Page 6, Part IV, A.1, Success indicator: Recommend adding Implementation of a Risk Management process. 	6
	<ul style="list-style-type: none"> Page 6, Part IV, A.1, Success indicator: Recommend adding Implementation of a formal Stakeholder Communication Process. 	6
	<ul style="list-style-type: none"> Page 6, Part IV, A.1, Success indicator: Recommend adding Implementation of a Integrated Federal Baseline as a success indicator. 	6
	<ul style="list-style-type: none"> Page 6, Part IV, A.1, Success Indicator, Bullet 4: Should be to complete ALL periodic reviews on time. 	1
	<ul style="list-style-type: none"> Page 6, Part IV, A.2, Strategy, Bullet 1: LTSM Baseline is referenced. Recommend as a strategy: Assume control of Integrated Federal Baseline to continue a seamless LTSM Program." 	2
	<ul style="list-style-type: none"> Page 6, Part IV, A.3, Strategy: Add "Implement a Self Assessment program" 	2
	<ul style="list-style-type: none"> Page 6, Part IV, A.3, Strategy: Add "Implement a Minimal Essential Program" to ensure that LM is appropriately reviewing requirements in a periodic manor. The goal would be to keep a focus on reducing burdensome and costly requirements. 	2
	<ul style="list-style-type: none"> Page 6, Part IV, A.3, Bullet 2: Recommend following wording: "Use all funding mechanisms available to ensure that necessary 	2

	<p>LTSM activities will be maintained.”</p> <ul style="list-style-type: none"> • Page 7, Goal B, Success indicators: Recommend presenting an indicator which shows and/or evaluates the process of information flow into LM. • Page 7, Goal B: Recommend mention of the interface with EH regarding specific requirements for medical records. • Page 9, Goal C: Situation Paragraph 1: The statement “LM will oversee work force planning for the department...” is incorrect. LM will oversee the administrative tasks related to workforce actions with in the department- including displaced workers, labor issues, pensions and benefits. Workforce planning implies that LM will be making decisions related to “right sizing” all DOE organizations. • Page 9, Part IV: Objectives and Strategies for Legacy Management Goals: There is a passage which mentions that the total liability for unfunded post-closure benefits exceeds \$1 billion for Rocky Flats, Fernald, Mound, Pinellas, Grand Junction and the gaseous diffusion plants in Ohio, Kentucky, and Tennessee. The Strategic Plan should indicate that LM and EM are working to clarify these liabilities at this time, and the total liability has the potential to be larger. • Page 9, C.1 Strategies: The text does not stress the importance of the National Defense Authorization Acts of 1993, please clarify how this is important to the Strategic Plan. Further, the plan references both the worker transition and land/property sections of the National Defense Authorization Acts of Fiscal Year 1993 and 1994. • Page 10, C.1, first bullet: Reword if appropriate “Conduct a pilot project to test the feasibility of a consistent nation-wide program for medical benefits administration.” • Page 10, C.2, strategy, Bullet 1: This implies that LM can direct other offices regarding workforce issues. Restate as: “LM will provide definitive direction on the amounts of severance permitted for work force separations”. • Page 11, Goal D: Recommend adding as Objective D.3: “Work with local planning communities prior to transition to LM. Build upon success of earlier programs to enhance opportunities for cooperation”. • Page 12, Objective D.3- There seems to be an inconsistency between the Organization Chart and Objective D.3 relating to of Strategic Materials management. • Page 13, Situation: EM is currently funding Community Assistance. This implies that LM will be taking over all of these functions immediately instead of at the time of transition. Please clarify. 	<p>2</p> <p>2</p> <p>1</p> <p>2</p> <p>6</p> <p>2</p> <p>1</p> <p>1</p> <p>6</p> <p>2</p>
43. Richland Operations Office, DOE	<ul style="list-style-type: none"> • General Comments: • The strategic plan should not have a five year window associated with it. As per the plan’s transmittal letter, strategic planning is an iterative process and the plan will be revisited over time. So why limit it to a five-year time frame? • The plan focuses on closure sites and provides little discussion of sites with ongoing missions. It is not clear what the strategy is with regards to non-closure sites that are undergoing accelerated cleanup with subsequent size reduction. OLM involvement in non-closure sites would be beneficial. • There is a lack of discussion about the cooperation and integration that will be required between EM and LM. Part of the measurement of LM’s success should look at the transition between the two. • There is no discussion of looking to other federal agencies for new and innovative ideas or lessons learned in managing the post cleanup requirements. • Specific Comments: • Page 1, Part 1. Background, 1st paragraph – This paragraph creates a picture that the Department went directly from nuclear weapons production and stockpiling to Legacy Management; there should be mention of the cleanup conducted by EM. • Page 1, Part 1. Background, 1st paragraph - The first paragraph should define what the "legacies" are. • Page 1, Part 1. Background, 2nd paragraph - It is unclear why the number of facilities (20,000) is used in the text without the number of sites. The number of sites should be included. • Page 1, Part 1. Background, 3rd paragraph - "During the past decade, the Department..." should probably read "During the past 15 years, the Department..." since cleanup started approximately in 1989. • Page 1, Part 1. Background, 3rd paragraph - The following could be added to the list in the sentence that describes the positive 	<p>2</p> <p>4</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>1</p> <p>1</p>

	achievements of EM: ". thousands of acres have been designated for conservation/preservation uses ..."	2
	• Page 1, Part 1. Background, 4th paragraph - Include the congressional language regarding the mandate for why this office was created.	2
	• Page 1, Part 1. Background, 5th paragraph - The term "post-closure" responsibilities is inserted, but not explained. It would be helpful to explain what "post-closure" means to help answer the question of how it relates to "cleanup" and "post-cleanup?"	2
	• Page 1, Part 1. Background, 5th paragraph - The sentence that begins with "Successful completion of the..." implies that EM was not previously focused on cleanup. Instead, point out that LM's responsibilities are an "emerging area" and that LM is required because EM's job is being completed.	1
	• Page 1, Part 1. Background, 6th paragraph - Minor editorial comment on the last sentence: "...dedicated to legacy management will heighten their visibility and,..."	2
	• Page 1, Part 1. Background, 7th paragraph – This paragraph focuses on staff expertise, which adds little value to the strategy. This paragraph should be rewritten to describe how key elements of the missions of various DOE organizations (i.e. the Office of Worker Transition, EM) will be integrated within LM.	2
	• Page 1, Part 1. Background, 8th paragraph - It would be helpful to describe the new LM organizational structure here to provide the reader a greater understanding of how LM will meet its mission, vision, and goals.	2
	• Page 2, Part II, Mission – Simplify by removing the word "requirements".	2
	• Page 2, Part II, Vision - The opening sentence makes it sound like LM's responsibility is to preserve jobs. It might be better to use a phrase like "legacy workers" or "former workers" than to say "department workers," assuming that this sentence is related to preserving worker pension and medical benefits.	2
	• Page 2, Part II, Vision, 2nd bullet - Reword to read "Relevant records and information..." to clarify that not all records will be preserved.	1
	• Page 2, Part II, Vision, 4th bullet - Reword to read: "The Department's former contract work force is compensated as required through effective management..." Without the rewrite, it sounds like it is a new form of compensation.	2
	• Page 2, Part II, Goal C - Goal C implies LM support of ongoing missions (i.e. "support an effective and efficient work force structured to accomplish departmental missions"). But the narrative discusses the challenges of site closures. It seems inappropriate to address both in the same goal.	2
	• Page 3, Part III, Corporate Management Strategy - Although Goal E in Part II talks about mitigating community impacts, the first paragraph in Part III doesn't mention "mitigating communities impact" in its list of LM's responsibilities. Recommend revising the first paragraph accordingly.	2
	• Page 3, Part III, Corporate Management Strategy – In the second paragraph, the list of sound management principles should begin with a new bullet inserted that talks about "requirements-based" aspect of LM. Also, it's somewhat confusing seeing the use of the word "principles" in this paragraph while the next section is titled "Principles."	2
	• Page 3, Part III, Principles - The 2nd and 4th principles appear to address the same topic and could be combined. Minimization of life cycle costs should be a key component of these principles.	2
	• Page 3, Part III, Principles - In the 4th principle, Life Cycle Asset Management has been replaced with Real Property Asset Management.	2
	• Page 5, Part IV, Goal A, Objective A.1, Strategies - The 2nd bullet addresses environmental restoration that is "significantly complete." This is the first time the phrase is used and it is unclear what that means. How does it match up with the EM definition of cleanup completion? Also, describe a "final activities" and provide examples.	4
	• Page 5, Part IV, Goal A, Objective A.1, Strategies – In the 4th bullet, describe what the contingency plans are intended to cover.	2
	• Page 6, Part IV, Goal A, Objective A.1, Strategies - The 2nd to last bullet states that LM will minimize LTS&M liability. That should already be addressed prior to transition to LM.	2
	• Page 6, Part IV, Goal A, Objective A.1, Strategies - Last strategy is a good one, but there is no description of such a framework anywhere in the plan. The transition from EM to LM should be emphasized in this plan.	2
	• Page 6, Part IV, Goal A, Objective A.1, Strategies – It is unclear what is meant by the last success indicator. It should be rewritten	

	for clarification.	2
	<ul style="list-style-type: none"> Page 7, Part IV, Goal B, Situation – In the first paragraph, it appears as if LM will be responsible for all records from the transferring site. Later on in this section, the preservation of critical records is discussed. Will LM be responsible for all records or just those critical records required for LTS&M? The entire plan should be revised accordingly. 	2
	<ul style="list-style-type: none"> Page 7, Part IV, Goal B, Situation, 1st bullet – Reword to read "The record contains information on cleanup levels, ecological data and baselines applicable to the sites ..." 	2
	<ul style="list-style-type: none"> Page 7, Part IV, Goal B, Situation, 2nd bullet – Reword to read "... and the technical remedies for cleanup of the sites, which will document the protectiveness of the remedies." 	2
	<ul style="list-style-type: none"> Page 7, Part IV, Goal B, Situation – The 1st sentence of last paragraph uses the word "improves." That implies that the current EM management of records needs improvement. Is that the intent? Also, define what "critical" means with regards to records. 	2
	<ul style="list-style-type: none"> Page 7, Part IV, Goal B, Objective B.1- Emphasize that the strategy for this goal is "requirements-based," i.e., not ALL records will be preserved in perpetuity, only those records that are required. (See comment #28) 	2
	<ul style="list-style-type: none"> Page 8, Part IV, Goal B, Objective B.2, Success Indicators, 2nd and 3rd bullets – Reword to read "Timely access ..." and "Timely and cost-effective ..." 	2
	<ul style="list-style-type: none"> Page 9, Part IV, Goal C, Situation, 2nd paragraph, 1st sentence - Is it important to note that there have been no "legal actions?" 	2
	<ul style="list-style-type: none"> Page 9, Part IV, Goal C, Situation, 2nd paragraph – The discussion of cost savings that were realized as the result of workers losing their jobs may not be the appropriate context. It might be better to say that a change in mission or ways of doing business resulted in reduced budgets and subsequent reductions in the work force. 	2
	<ul style="list-style-type: none"> Page 9, Part IV, Goal C, Situation - This section is written in a way that assumes the reader understands what "departmental restructuring" is and what the issues are regarding work force restructuring. It would be helpful to provide more background information regarding these issues. 	2
	<ul style="list-style-type: none"> Page 9, Part IV, Goal C, Situation - More information on what is being shown in the graphic should be provided. For example, why is the pension liability pulled out as a separate line? Does "accrued" mean "cumulative?" What sites are covered in the graphic? 	2
	<ul style="list-style-type: none"> Page 10, Part IV, Goal C, Objective C.1 – With regards to the last strategy, how will contractor support be "acquired"? Contract requirements are the only way to guarantee such support. 	2
	<ul style="list-style-type: none"> Page 10, Part IV, Goal C, Objective C.2 - What is meant by "control" in the first strategy? 	2
	<ul style="list-style-type: none"> Page 10, Part IV, Goal C, Objective C.2 - The 2nd bullet seems to contain what could be a Success Indicator (i.e. saving that are three times the one-time cost of separation.) 	2
	<ul style="list-style-type: none"> Page 10, Part IV, Goal C, Objective C.3 – Are the annual cost savings related to worker separation? If so, it contradicts the objective. 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Situation, 1st paragraph – In the 6th line, replace the word "history" with "resources". 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Situation, 2nd paragraph - The discussion of consideration of environmentally sound future land uses for properties must take into account deed restrictions and other institutional controls on lands that have not been cleaned up for unrestricted use. 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Situation - It is unclear why there is the phrase "particularly in the West." It does not seem to add useful information and should be deleted. 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Objective D.1 – Include a strategy that addresses the management of cultural, natural, and historical resources. 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Objective D.1 - In the first success indicator, what is meant by the "land assessment strategy?" Describe more clearly what is being assessed (that could be done in the Situation section). 	2
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Objective D.1 - The first two success indicators seems to be saying the same thing and could be combined into one. 	1
	<ul style="list-style-type: none"> Page 11, Part IV, Goal D, Objective D.2 - Suggested rewrite of first strategy: "... to transfer real property from the Department, where appropriate " 	2

	<p>where appropriate."</p> <ul style="list-style-type: none"> • Page 13, Part IV, Goal E, Objective E.1 - Clarify in the first strategy what type of information is provided in the clearinghouse. • Page 13, Part IV, Goal E, Objective E.1 - The 3rd strategy implies DOE will fund an entire project. Maybe say instead "Provide some funding..." or "Initial funding..." or "Seed funding..." • Page 13, Part IV, Goal E, Objective E.1 - The 4th strategy uses the phrase "community transition funding proposal." It would be helpful to explain what a "community transition project" is prior to this bullet. • Page 13, Part IV, Goal E, Objective E.1 - The 2nd success indicator talks about annual cost savings. But it is difficult to see how DOE will save money when all of the strategies will require DOE to spend money. Explain where these cost savings come from and how they are compatible with the objective. 	2 2 2
44. Ohio Field Office, DOE	<ul style="list-style-type: none"> • Global Comment # 1: There are multiple references throughout the document to "workers" or "workforce." The plan needs to apply consistent a label of "contracted workers" or "contractor workforce" (for example) to make it clear that DOE-LM is not responsible for displaced Federal employees. • Global Comment # 2: There are multiple references throughout the document to tribal governments. As sovereign nations, it would be more appropriate to place references to "tribal" in front of references to interactions with state governments (e.g., "... interactions with federal, tribal, state and local governments"). • Global Comment # 3: There are multiple references throughout the document to "incorporating future advances in science and technology." LM's strategic plan should establish boundaries for the application of new technologies (e.g., during CERCLA 5-year review of Remedies, new technologies will be evaluated, however, if a remedy is operating effectively, DOE-LM would not necessarily need to employ a new technology in order to "improve" the remedy). • Global Comment # 4: There are multiple references throughout the document to "coordinating with stakeholders." Those references should also include coordinating with the regulators and the local governments (in our experience, local governments do not like to be called "stakeholders"). • SPECIFIC COMMENTS: • Executive Summary: The second paragraph should say "On October 1, 2003, the Department took [not "will take"] a significant step . . . " • Part I. Background: The fifth paragraph, last sentence, has a reference to DOE-EM continuing to conduct "remediation activities." It is unclear what the term "remediation" means. In order to educate regulators and stakeholders on the role DOE-LM will play after the DOE-EM mission is complete at each closure site, the LM Strategic Plan must be consistent with DOE-EM terminology, such as the EM-1 memo (dtd 2/12/03) entitled "Definition of Environmental Management Completion" and the EM-1 memo (dtd 6/10/03) entitled "Transition of Long-Term Response Action Management Requirements." For example, does this reference to "remediation" apply to sites that have not yet transferred from EM to LM, or does the reference apply to sites that have been transferred, however, an effective remedy is still in place (e.g., pump & treat), in which case LM (not EM) will be conducting that "remediation" activity until the remedial objective has been met? • Part I. Background: The sixth paragraph, first sentence, is the only time in the draft plan where the term "long -term stewardship" is used. Suggest replacing this term with the language that is used throughout the rest of the plan (i.e., long term surveillance & maintenance). • Part I. Background: The seventh paragraph explains where the current LM workforce comes from, however, appears to limit that workforce to only (former) WT, EM-51, GJO and NETL employees. Suggest adding a sentence that LM is/will be staffed by Federal personnel with specific skills that are critical to the LM mission – don't limit staffing to above four organizations or geographic locations. • Part II. Legacy Management Mission, Vision, Goals and Planned Accomplishments: The "Vision" includes a reference to "department workers." See Global Comment # 1 above – does this reference in the Vision apply (only) to displaced contractor workers? • Part II. Legacy Management Mission, Vision, Goals and Planned Accomplishments: The fifth bullet under the Vision uses the term "most beneficial use," however, its not clear who will define what the most beneficial use for a particular site is (e.g., LM? the 	2 2 2 2 1 2 2 2 2 2

	<p>site owner? the state and/or the local government? the regulators?). This is an excellent Vision, but it needs to have boundaries set.</p> <ul style="list-style-type: none"> • Part II. Legacy Management Mission, Vision, Goals and Planned Accomplishments: Under “Goals,” Goal D has reference to “coordinating land use planning,” however its not clear who LM will coordinate with (e.g., other DOE elements? the site owner? the local government? the regulators?). This is an excellent Goal, but it needs to have boundaries set. • Part III. Corporate Management Strategy and Principles: Under “Principles,” third bullet, add “historic” to list of DOE-LM Trustee responsibilities. • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Under “Situation,” second paragraph, first sentence, states that LTS&M is currently conducted at “more than 30” sites. However, the diagram immediately below that text shows there were 42 sites in 2003 and there will be 82 sites in 2004. The text and the diagram need to be consistent with one another. • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.1, first bullet, has reference to “when environmental restoration is significantly complete [emphasis added],” however, this is not defined. See comment # 2 above – LM’s Strategic Plan must use terminology that DOE-EM uses, and which the regulators and stakeholders are already familiar with. • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.1, Strategies, fourth bullet, states “ensure that contingency plans are in place and that adequate funds are available,” however, its not clear what the contingency plans are for (e.g., remedy failures? member of local community raises concern of public health risk? discovery of previously-unknown contamination?). Nor is it clear what the “adequate funds” are for (e.g., only for contingency planning? for day-to-day maintenance of the remedies? etc.). • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.1, Strategies, fifth bullet, has reference to “current regulations.” Suggest replacing with “applicable regulations.” • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.1, Strategies, last bullet, has reference to “site transition framework.” Readers will not know what this term is. Suggest deleting this reference, or modifying to read “ . . . using existing Departmental tools such as LM’s Site Transition Framework or EM’s Critical Decision 4 package, to ensure the smooth transition . . . “ • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.1, Success Indicators, second bullet, has reference to meeting “all post-closure regulations.” Suggest changing to “all post-closure requirements.” • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.2, Strategies, second bullet has reference to “Field Management Council.” Readers won’t know what this is. Suggest changing to “ . . . resolve relevant issues through Department-wide forums or processes, such as the DOE Field Management Council.” • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.2, Success Indicators, first bullet, has reference to “ . . . LTS&M Plans developed and implemented for sites requiring them,” however, its not clear who establishes what’s required (e.g., DOE-EM? DOE-LM? the regulators? the CERCLA or RCRA statutes?). • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.3, Strategies, second bullet, has reference to “alternative funding mechanisms,” however, its not clear what those mechanisms are an alternative to (e.g., the annual appropriations process?) and/or who those funds would go to (e.g., DOE-LM? the state? the tribes? the local governments?). • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.3, Strategies, third bullet, has reference to “ . . . advances in science and technology to improve sustainability and ensure protection.” Suggest changing to “ . . . to improve sustainability of the remedy and to ensure continued protection of human health and the environment.” • Part IV. Objectives and Strategies for Legacy Management Goals, Goal A: Objective A.3, Success Indicator, second bullet, has reference to “ . . . environment maintained or improved,” however, its not clear what “improved” means (e.g., does this mean a remedy [that is already operating effectively, will be “improved” if a newer technology comes out?]). Its also not clear who will define what “improved” means (e.g., DOE-LM? the regulators? the property owner? the local government?). • Part IV. Objectives and Strategies for Legacy Management Goals, Goal B: there are multiple references in Goal B to “records and information,” however, the difference between these two terms is not defined. Suggest adding (NARA) definition of “record” and (DOE-LM’s) definition of “information,” and an explanation of NARA requirements for records retention and disposition, versus 	<p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>1</p> <p>1</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p>
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	DOE-LM's requirements for the identification, retention and disposition of "information."	
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal C: there are multiple references to retiree benefits not being "fully funded or not funded at all" or "unfunded post-closure benefits." Should different terminology be used, or should LM's Strategic Plan at least state that the Department will definitely live up to its commitments to the retired contractor workforce (i.e., displaced workers will have pensions, disability and health insurance, severance pay, etc.)? 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal C: Under "Situation," third paragraph, the last sentence reads "It is against Departmental policy to assume the role of plan sponsor and fiduciary duties, as those responsibilities must remain with the plan sponsor." Readers may not know what "fiduciary" or "the plan sponsor" mean. Furthermore, this sentence is confusing; it needs to have a sentence placed in front of it, in order to bridge the gap with the sentence immediately preceding it (i.e., reference to "... there will be a continuing need to administer and manage the benefit program ..."). 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal C: Under "Situation," fourth paragraph, third sentence from the end, states that "the liability [for unfunded post-closure benefits] will more than likely not be fully settled for decades," however, its unclear why it will take decades (e.g., is it because the DOE will be unable to come up with the funds for the benefits program? is it because retirees will file lawsuits against the Department that will take years to settle? is it because actuarial tables show that retirees and their beneficiaries will live "x" more years?). 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Under "Situation," second paragraph, first sentence states "LM will consider environmentally sound future land uses for its properties." Suggest adding that any future land use must be consistent with the CERCLA or RCRA remedy (if those remedies include restrictions against certain land uses). 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Under "Situation," second paragraph, last sentence states "Where compatible with departmental missions, LM will make excess lands and facilities available for public and private use consistent with the tenets of sustainability and good land management practices." See comment # 24 above – add reference to consistency with CERCLA and/or RCRA remedy requirements for future land use. 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Objective D.1, Strategies, second bullet, states "seek to expand opportunities for collaborative land use planning with site management teams to be transferred to LM," however, its unclear who the "site management team" is (e.g., is it the site owner? is it the current DOE landlord [EM]? is it all parties to a tri-party agreement [DOE, USEPA, State EPA]?). 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Objective D.1, Success Indicators, second bullet, states "periodic reviews of programs land management strategies and assessment of strategy effectiveness." The word "programs" appears to be in error, or perhaps a comma is missing. Sentence is confusing. 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Objective D.2, Strategies, third bullet, states "investigate viable and environmentally sound land reuse options ...". See comment #'s 24 & 25 above – need to add a reference that any reuse decision must be consistent with the CERCLA and/or RCRA remedy requirements. 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal D: Objective D.3 to "effectively manage and coordinate the Department's requirements for strategic materials" seems out of place. First, readers may not know what "strategic materials" are. Second, the Strategies and Success Indicators refer to "strategic materials in the stockpile" (which sounds like a NNSA mission, not an LM mission). And third, this objective doesn't seem to "fit" with Goal D of "manage legacy land and assets, emphasizing safety, reuse and disposition" (e.g., are strategic materials in the stockpile an "asset" [and an asset that it is LM's responsibility to manage]?). 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, Goal E: Under "Situation," last paragraph, last sentence, states "LM will encourage the reuse of existing departmental personal property to encourage community economic viability and diversification." This particular comment actually applies to all of Goal E (which basically references the [former] WT grants to Community Reuse Organizations [CRO] and the Department's personal property reuse program which promotes transfer of excess DOE property to the CROs). However, Goal E does not mention the Department's efforts to make excess real property available to the CROs (either through lease or sale), nor does it allow for LM to provide grants to organizations other than the CROs (e.g., a non-profit organization interested in preserving the history of the former DOE site could be an asset to DOE-LM, as LM strives to 	2

	<p>maintain the “legacy” of the site). Finally, Goal E does not mention if DOE-LM may retain real and/or personal property that has been declared excess to DOE-EM’s needs. For example, if LM determines that DOE-owned property at a closure site could serve an LM mission need, might LM retain ownership of some property (or, will LM disposition 100% of the real property, and obtain new property [e.g., via lease] to serve LM mission needs)? Goal E of the strategic plan should give LM the flexibility to decide if the Best Value to the Government (for real and/or personal property that has been declared excess to EM’s needs) could be gained by LM retaining ownership of that property to serve LM mission needs. If LM has no need for that property, then the property could be made available to the CROs through existing transfer mechanisms. Some examples of a potential DOE-LM mission need may include: an onsite public reading room for the CERCLA Administrative Record and additional “information” (see comment # 20 above) that LM wishes to retain and make available to the public, a place for stakeholder groups interested in historic preservation to display site artifacts, a “community” room available to the public (room use scheduled through DOE-LM or its agent), a small office space for regulators who will oversee the site post-closure, and a small office space for DOE-LM Federal or contractor personnel who are responsible for oversight post-closure.</p>	
45. Glenn L. Mara, Deputy Director for Operations, Lawrence Livermore National Laboratory	<ul style="list-style-type: none"> Share LM goals and the Laboratory is committed to ensuring that the current legacy obligations continue to be met and that cleanup activities are in conformance with environmental standards 	5
46. Anthony W. DeMaiori, President, United Steel workers of America	<ul style="list-style-type: none"> Part III: it would be beneficial for stakeholders to establish informal updates on a regular schedule, such as monthly conference calls. Part IV Goal A: We would like the Department to grant any surveillance work after closure to the current workforce at the facilities where such work is required. Part IV Goal C.1: It is imperative that the Department develop a plan to capture those “Cold War Veterans” who have dedicated themselves to their country during the production years and now the cleanup of Rocky Flats. 	6 6 4
47. Betsy L. Child, State of Tennessee Department of Environment and Conservation	<ul style="list-style-type: none"> The creation of a stand-alone Office of Legacy Management is a step in the right direction. The draft plan is well written and provides a good general understanding of the direction and objectives of the Office. Tennessee (TN) remains committed to the principle to maximize cleanup to limit long-term stewardship responsibilities and cost. TN is encouraged to see that the plan recognizes the need for “alternative funding mechanisms” (pg.6, Objective A.3). TN expects that DOE’s long-term care obligations will be documented within legally enforceable frameworks. 	5 5 5 6
48. Robert R. Loux, Executive Director, Agency for Nuclear projects, Office of the Governor, Nevada	<ul style="list-style-type: none"> Goal A: Given DOE’s historical performance and track record in the area of protecting human health and the environment, as reflected in the legacy of widespread contamination at almost every DOE facility that has created the need for such “legacy management” in the first place, it would appear that the three objectives and the attendant strategies identified for achieving this goal are not sufficient to promote confidence in DOE’s ability or commitment to carry through in a manner that does not fall back into old pattern. We recommend that another objective and another set of strategies to this Goal that would provide for independent, external oversight off the long-term surveillance and maintenance efforts, be added. Such oversight should be functionally and organizationally independent from DOE and the Office of Legacy Management and should be sufficiently empowered to impose corrective actions on the Department should problems be uncovered at any of the sites being maintenance under long-term stewardship. 	2 6
49. James C. Alsop, Deputy Administrator Community Programs, USDA	<ul style="list-style-type: none"> We believe the efforts of the Office of Legacy Management’s Strategic Plan supports USDA Rural Development’s commitment to the future of rural communities enduring protection of human health and environment in rural areas. 	5

50. S. Robert Foley, Jr., Vice President, University of California	<ul style="list-style-type: none"> Although none of the three University of California operated DOE sites (Lawrence Berkeley National Laboratory, Los Alamos National Laboratory, Lawrence Livermore National Laboratory) are slated for transition to the Office of Legacy Management responsibility, we certainly appreciate the challenges you face based on clean-up activities being undertaken at our sites. 	5
51. G. Michael Bussey, President, Riverview Technology Corporation	<ul style="list-style-type: none"> I read the Strategic Plan with interest and do not feel I could offer any substantive comments at this time. 	5
52. James L. Spigarelli, President and Chief Executive Officer, Midwest Research Institute	<ul style="list-style-type: none"> The draft plan is comprehensive and addresses very well the transition of legacy sites from closure activities conducted by the Office of Environmental Management to long-term activities to be conducted by the Office of Legacy Management. No changes recommended 	5 5
53. Paul L. Piciulo, Director, New York State Energy Research and Development Authority (NYSERDA)	<ul style="list-style-type: none"> The lack of specificity or clarification of applicability of this plan to any particular site severely limits stakeholder's ability to constructively comment on this document. Of particular interest to NYSERDA is DOE's intentions regarding the West Valley Demonstration Project. In particular, NYSERDA believes DOE should acknowledge its legacy management responsibility for any radioactive wastes that DOE may leave at the West Valley site. DOE's decision to create two organizations with separate and distinct missions at each legacy site may result in uncertainty as to the financial and mission responsibilities of EM and OLM at each site. Details regarding the interoffice transfer of a site within DOE are not addressed in the draft plan. We encourage DOE to share these details as well as clarification of applicability of this plan to specific sites as soon as possible. 	4 6
54. Jeffrey M. Allison, Manager, Savannah River Operations Office	<ul style="list-style-type: none"> General Comments: Objectives should contain quantifiable outcomes that can be achieved within a specified period of time and define actual impacts rather than level of effort. The objectives, as written, are mostly level of effort. Consider replacing "Situation" with "Status" or Issue". Specific Comments: The mission statement should say "continued" protection rather than "future" protection. Suggest the mission statement be revised to give a clearer picture of the mission. The executive summary stated that the mission is to "effectively and efficiently manage the environmental and human legacy issues for current and future generations." This is actually a better mission statement and should be used rather than the one listed as the mission statement on page 2. The vision statement lacks clarity and the bullet that follow are a lost of strategies. Better to have a consider but descriptive statement such as: "Establish and maintain an effective system that: provides long term protection of human health and the environment for the effects of residual contamination; mitigates the impacts on workers and communities resulting from changing departmental missions; achieves the trust of the public. The Executive Summary, page ii, says that "On October 1, 2003, the Department will take a significant step." It should state "the Department has taken a significant step." On page 5 under Part IV. Objective and strategies for Legacy Management Goals, the inserted figure is not self explanatory. Many of the acronyms may have no meaning to the reader. Also, it is not clear how the figure and its prediction of the future relate to the accompanying paragraphs. Consider assign technology and cost effectiveness component to Objective A.1., "Effectively manage post-remediation responsibilities and liabilities," e.g., add "Deploy cost-saving technology and equipment to reduce the expense of long-term stewardship at closed DOE facilities" to the Strategies section and add quantifiable cost-efficiency requirement to the Success Indicators section, e.g., "Achieve 5% reduction each year in the cost of providing surveillance and maintenance services. Many of the Success Indicators are paper/process oriented. Suggest modifying/changing to identify quantifiable results/outcomes. 	2 2 3, 2 3, 2 2 1 2 2 2

	<p>Example: Revise third of three Goal B Success Indicators, "Records developed and maintained in a cost-effective manner" to "Annual 10% increase in the cost of recordkeeping activities." Example: Of the three Success Indicators proposed for Objective D.1., eliminate first an third and modify the second to be more prescriptive/definitive, e.g., "Annual revise of land management strategies and objective assessment of strategy effectiveness."</p> <ul style="list-style-type: none"> • Ref. Part III Corporate Management Strategy and Principles, Principles, Item 4. Life-Cycle Asset Management policy/order has been renamed to Real Property and Assets Management. Revise if appropriate. • Part IV Objectives and Strategies for Legacy Management Goals, Goal A, Situation, "Remediated" is used in reference for facilities. Consider replacing with decontamination or decommissioned. • Part IV, Goal E. If Legacy Management does not state at the site until there is no longer a continuing mission, most of the workforce impacts will have already taken place and the goal cannot be met. There should be a clearly defined approach on how EM and Legacy Management will integrate their efforts to address the impacts of changing missions prior to the site being closed for missions other than legacy management. 	6 2 6
55. Leonard K. Peters, Director, Pacific Northwest National Laboratory	<ul style="list-style-type: none"> • In general the plan clearly articulates the mission, vision and goals of this newly formed department. • We encourage the Department to evaluate its science and technology investments aimed at building capabilities and tools to continuously improve long-term surveillance and maintenance. The stated strategy to "track and use advances in science and technology to improve sustainability and ensure protection" represents a passive approach to a critical need for advance, cost effective technologies to support long-term surveillance and maintenance plans. Increase near term investments in surveillance and monitoring technologies would support the Office of Legacy Management's comprehensive long-term approach to protecting human health and the environment. 	5 6
56. Robert A. Pedde, President, Westinghouse Savannah River Company	<ul style="list-style-type: none"> • i,ii,2,5, Message to the Reader, Executive Summary, Mission, and Objective A.1, The key element of this Legacy Management (LM) Strategic Plan is that LM applies to DOE Closure Sites only. The responsibility of LM for "implementing post-closure functions at sites with no continuing mission" is mentioned briefly in the 5th paragraph of the Background section and in the Part IV Objectives and Strategies for LM Goals. This key limited responsibility is not mentioned in the "Message to the Reader", the "Executive Summary", or the Mission Statement. There is significant misinformation relative to how the stated LM responsibilities will be addressed at DOE's "non-closure" sites and this key phrase needs to be amplified in preamble discussions and the mission statement. The responsibility of LM for "implementing post-closure functions at sites with no continuing mission" should be added to "Message to the Reader", "Executive Summary", Mission Statement (Part II on pg 2), and Objective A.1. • General Comment, Overall Report, The Plan clearly articulates the essence of DOE Policies P 454.1, Use Of Institutional Controls, P 430.1, Land and Facility Use Planning and P 141.2, Public Participation and Community Relations and should make reference accordingly as to how the LM Program and the LM Strategic Plan implements these DOE policies. Legacy Management should assess these policies to ensure the LM Strategic Plan fully addresses these policies and also reference these DOE Policies in the LM Plan. • General Comment, Overall Report, The LM Strategic Plan responsibilities appear to overlap and may be duplicative of a portion of the proposed responsibilities for the new Office Of Future Liabilities (FL) in the FY05 Appropriation Presidents Budget to Congress. The Legacy Management Strategic Plan should describe its relationship and responsibilities to the proposed Office of Future Liabilities as well as its relationship and responsibilities to other DOE Programs (including NNSA). • General Comment, Conclusion, A Conclusion or Summary section should be added to wrap up this Plan. Currently, the Plan just ends after a success indicator. The reader needs a clear indication of completion. Add a Conclusion section that briefly restates the Mission and states the expected successes. • 2, Mission Statement, The Mission Statement appears to be limited to ensuring the protection of human health and the environment, while the vision, goals, and strategies go beyond these. Reconcile the Mission Statement with the Vision, Goals, and Strategies. • 2, Vision, first paragraph and sixth bullet, The Vision includes department workers and unions; it should also include contract workers, as done in later sections of the plan. Include "contract workers" after "departmental workers" in the first paragraph and in bullet six 	2 6 6 1 2 1

	<ul style="list-style-type: none"> bullet six. 2, Goal B, Does LM plan to establish agreements with other DOE Offices to ensure the necessary records and information are maintained and transferred to LM? Add a sentence, "It also recognizes Legacy Management's commitment to ensure that all necessary records are maintained and transferred to its authority." 5, Figure(s), A bar chart and a pie chart appear in the middle of the first column with no Title(s), Figure Number(s), or cited reference in the text. Add a Figure Number and Title for each of the two figures. Specifically reference the figures in the surrounding text. 5, Goal A, second paragraph. Update the number of action program sites, etc, where cleanup action is complete. "Greater than 30" appears to be a 2003 number. Replace "greater than 30" with a current number, probably greater than fifty. 6, Objective A.1, Success Indicators, Effective management of liabilities would be shown by a lack of lawsuits, etc. Add a fourth Success Indicator to read, "Lack of enforcement actions and lawsuits against the Office of Legacy Management." 6, Objective A.3, Strategies, first bullet, Awkward wording Reword A.3, first bullet to read, "Identify, assess, and obtain the capabilities and resources needed to conduct long-term surveillance and maintenance." 11, Goal D, Situation, second paragraph, the plan states that "Where compatible with departmental missions, Legacy Management will make excess lands and facilities available for public and private use." It is suggested that LM also consider US government potential uses, and not limit the land use consideration to only public and private use. Modify the last sentence of the second paragraph to read "...Legacy Management will make excess lands and facilities available for government, public, and private use...." 11, Goal D, Situation, second paragraph The Situation section addresses population increases, "especially in the West." Current population growth models show a growth in the Southeast that is comparable to, or leading, the West. Modify the end of the second sentence to read, "...particularly in the Southeast and the West." 11, Objective D.1, Strategies, third bullet, Collaborative use planning with the private sector should also be pursued. Add "...and the private sector." to the end of the third bullet. 11, Objective D.2, the Strategic Plan does not address the responsibility for Infrastructure maintenance. In order to carry out mission of land reuse, it appears that infrastructure would be a key factor for enticing cooperative arrangements. Add a Strategy to Objective D.2 for maintenance of Infrastructure. 12, Objective D.3, It is not clear that Legacy Management will manage the Special Nuclear Materials that are part of the Stockpile. That may well remain a responsibility of the NNSA. The interface with NNSA in this area must be clarified. 	<p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p> <p>2</p> <p>2</p>
57. Jeffrey Deckler, Chair, The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Radiation Focus Group	<ul style="list-style-type: none"> Generally the strategic plan is a good document. Of particular importance to our Focus Group is the protection of human health and environment, and ensuring adequate funding to perform the myriad of duties required to provide that protection. The Background section should define the term "legacy". The Office of Legacy Management must create an institutionalized communication line with EM (e.g. some type of review and concurrence on remedies) to ensure that the long-term care requirements have been adequately analyzed, and can be implemented in an affordable and cost-effective manner. Revise the mission statement to read, "To ensure the future protection of human health and environment through sound long-term management of DOE properties with residual contamination above that which allows for unrestricted use." More information may be needed for second bullet in Part III Corporate Management Strategy. States will want a continuing role in joint inspection/oversight of the facility, and will want to be consulted in future decision-making. We request that this plan provide sufficient flexibility for an expanded State role. Part IV, Goal A, DOE should recognize the importance that information management and stakeholder involvement are going to play in the long term protection of human health and the environment at DOE sites. Coordination with States should be added to the strategies in Part IV, Objective A.1. DOE should recognize that it may at times be necessary to go beyond what is legally required in the short term to reach overall goals of protecting human health and the environment. The funding issue should also be included in the last paragraph of the situation narrative to emphasize importance. The strategy to work with States should be expanded to include a role for States in joint implementation and oversight of legacy management. One strategy calls for minimizing DOE liability, States would be concerned if any such minimization resulted in 	<p>5</p> <p>2</p> <p>3, 2</p> <p>2</p> <p>2</p> <p>2</p>

	<p>decreased environmental or human health protection.</p> <ul style="list-style-type: none"> Objective A.2: please clarify. The sustained capacity strategy in Objective B.2 should include the ability to retrieve information in old formats, either by reformatting the information or by maintaining equipment that can retrieve information in those formats. Goal D does not adequately deal with the need to ensure that reuse of property is protective. Issues such as implementing and enforcing institutional controls and recognizing that increase land use pressures might impact these controls need to be prominently addressed in this section. 	<p>2</p> <p>2</p> <p>2</p>
58. Michael C. Hughes, President and General Manager, Bechtel Jacobs	<ul style="list-style-type: none"> Goal C states “it is against departmental policy to assume the role of plan sponsor and fiduciary duties as those responsibilities must remain with the plan sponsor.” It will be very difficult for a contractor to obtain fiduciary liability insurance to administer these plans. How do you propose to address the issue of fiduciary insurance for the contractor? Goal C states “However, these closure site employees are contractually entitled to an array of employee benefits funded by the department.” The employees have been promised benefits funded by the Department, but they are not “contractually entitled” to these benefits. How do you propose to consolidate the various plans for Closure sites, where the coverage differs significantly for site to site? Is there a plan to consolidate the legacy records currently is to support Energy Employees Occupational Illness Compensation Program Act (EEOICPA), Freedom of Information Act (FOIA), and Workers Compensation Claims? BJC is nearing the point in the work where the records will have to be moved. It will be more cost effective to move them once. 	<p>6</p> <p>2</p> <p>4</p> <p>4</p>
59. Lorene L. Sigal	<ul style="list-style-type: none"> Overall this plan does not address long-term stewardship of legacy contamination on DOE sites with ongoing missions. P2, Vision, 1st bullet, must be evaluated on regular basis and subjected to technological advance as appropriate. Mere maintenance of residual contamination is an unacceptable approach to the problem. P3, 1st paragraph, a comprehensive program for legacy management must be include research that is dedicated to finding better ways to destroy, isolate, and/or monitor legacy contamination. P3, Principle, 3rd bullet, those responsible for “trusteeship for ecologically and culturally important areas” do not understand management of residual radioactive and chemically hazardous wastes. Furthermore I don’t know of any “applicable regulatory requirements” that address long-term management (i.e., greater than 30 years) of residual radioactive and chemically hazardous wastes. P5, a title for the figure is needed. P5, 6, Part IV, this part of the document is well written and addresses some of the aforementioned concerns. However, the above items should be incorporated into Part I, II, and III. P8, title figure. P13, Goal E, while this goal sounds good on paper, in practice, stakeholders in Oak Ridge do not see any successes to “mitigating community impacts.” The Greenfield property sold to CROET has one small company on it. Chances are that marketing the Brownfield ETTP property will be even less successful. 	<p>2</p> <p>2</p> <p>2</p> <p>6</p> <p>2</p> <p>5</p> <p>6</p>
60. Bob Young, Mayor, Augusta Georgia	<ul style="list-style-type: none"> I would like to point out that several of the Office of Legacy Management’s goals would seem to mesh nicely with those set out in the President’s Preserve America Executive Order issued in March 2003. Goals D and E, and their implementation strategies, appear tailor made for coordination with the City of Augusta and surrounding communities to accomplish the policies and objectives set out in the Executive Order that call for Federal agencies to enhance management of their historic properties and seek partnerships with state and local governments to better use these resources for economic development and heritage tourism. 	<p>6</p> <p>6</p>
61. Denise Garnier, Assistant to Director, Missouri Department of Conservation	<ul style="list-style-type: none"> Primary concern is that the document should make specific reference to working with state agencies rather than simply informing them of federal actions or decisions. A good working and communicative relationship, where states have input in the decision making process, is essential to carrying out the stated goals. 	<p>2</p>

62. Paul H. Divjak, President/General Manager, Idaho National Engineering & Environmental Laboratory	<ul style="list-style-type: none"> Establish and document the process to transfer records from EM to the Office of Legacy Management. Establish a process for repairing and replacing failed engineered barriers, or at least, consider the possibility of engineered barrier failures. 	4 4
63. Carole-Byrd, Richland Operations Office	<ul style="list-style-type: none"> Editorial Comments and suggested changes. 	1
64. Office of Land and Site Management, Office of Legacy Management, DOE	<ul style="list-style-type: none"> General Comments: To be consistent with DOE's Strategic Management Cascade and annual Performance and Accountability Report terminology, the LM's "Goals" titles be changed to Program Strategic Performance Goals (PSPG). Beginning with the FY04 budget cycle, the Department directed all program elements to develop only those performance measures that are measurable, quantifiable, and appropriately output or outcome-oriented. Some of the "Success Indicators" that are tied to our PSPGs, related Objectives and Strategies, are not quantifiable. Success indicators (performance measures) must state in objective terms the level of achievement (measured with accuracy and certainty). Percentages without a quantified base are not acceptable. When it is stated that LM is "improving" something, it must then specified (in quantifiable terms) the baseline from which we are improving, and the level to be achieved. A key question for each organization in LM, who has responsibility for meeting our PSPGs, is whether or not they can actually measure progress of their program elements, against an established baseline, to demonstrate they are meeting their "Success Indicators" or performance goals. Specific Comments: Page i, Message to Reader – Please reconsider the window of time that this SP represents. Since LM is developing the LM Program Plan now, and these documents should tie to each other along with the FY05 Budget, it should be considered to extend the window to FY09 (to tie with Budget) and/or further since the Program Plan is to represent a 10-15 year window. Although is it possible that LM has a plan to update the SP every 5 years. These products are significant to each other, so LM needs to strategize the plan for updates, ensure that links are in place and understood between all of these products by the authors (LM-5 for SP, LM-6 for Budget, and LM-xx for PP). Page 2, Mission -- The current mission statement in the Draft SP does not match what is stated in the FY05 Congressional Budget. Along with that difference is the fact that although the Mission statement in the draft Program Plan is similar to the FY05 CB; the Mission Statement has been enhanced further. The links and consistency between the 3 documents need to be recognized. Page 2 -- Should the Program Goal stated in the FY05 Congressional Budget (and also being included in section 4 of the draft Program Plan) be included in the LM SP? It seems to be LM's overall goal for responding to the DOE SP Goals. 	6 2 6 1 6 1 6
65. Tish O'Connor, Office of Legacy Management	<ul style="list-style-type: none"> Editorial Changes 	1
66. Kevin Shaw, Office of Program Analysis & Evaluation (ME- 20), DOE	<ul style="list-style-type: none"> Editorial Changes 	1

	<ul style="list-style-type: none"> • Part IV. Objective and Strategies for Legacy Management Goals Goal A. Protect human health and the environment through effective and efficient long- term surveillance and maintenance. Situation: Legacy management will ensure that these controls (i.e. institutional controls, etc.) remain effective for hundreds and even thousands of years. Comment: The United Nuclear Corporation Uranium Mill Tailings Site has subsurface contamination that has migrated off-site onto Navajo Indian Allotted Land and Navajo Nation Trust Land. The responsible parties have proposed that institutional controls be implemented to prevent development of any ground water resources now and in the future. The Navajo Nation and the state of New Mexico are opposed to institutional controls pending further evaluation of the plume of subsurface contamination. How will legacy management ensure that the responsible parties will implement the necessary controls "for hundreds or even thousands of years" at CERCLA listed sites? How will legacy management ensure that the responsible parties comply with Tribal and local decisions? Comment: The bar and pie charts that depict the types of DOE facilities does not provide an adequate interpretation of the data. The bar graph appears to represent the years from 2002 through 2007. There is no explanation provided for the numbers at the top portion of each bar; what do these numbers represent? How do these numbers correlate with the numbers provided in the pie chart? The pie chart uses acronyms, a number in parentheses and references certain sections and titles. A legend and explanation should be provided for this information. • Objective A.I. Effectively manage post-remedial responsibilities and liabilities. Strategies: Ensure long-term protection of human health and the environment, ensure contingency plans are in place, that adequate kinds are available, work effectively to meet current requirements and regulations, communicate with stakeholders and Tribal regulators, minimize DOE's environmental liability, and ensure the smooth transition of sites into Legacy Management. Comment: The strategies do not take into consideration changes in federal and Tribal environmental laws and regulatory requirements that are applicable to DOE sites. Nor do the strategies take into consideration discovered sites (e.g., alleged illegal dumping of mixed waste by Rare Metals Corporation of America) and the request of Tribes and stakeholders that DOE "effectively manage" post-remedial activities to include "discovered" sites. How will DOE obtain "community acceptance" if the "discovered" sites are not included or considered for remediation? Comment: Does a community have an opportunity to select a DOE remedy? Although Navajo communities may have been informed and may have opposed DOE's proposed remedy or remedial activities, DOE proceeded with their remedy. How will DOE address overwhelming opposition to a pre-selected DOE remedy? Comment: It appears that DOE would address the "discovered" sites to "minimize" DOE's environmental liability. Shouldn't there be a success indicator for minimized environmental liability? Comment: The transition process is not described. Will Tribes and other stakeholders have input regarding the development of this process? Will Tribes and other stakeholders be consulted when a site is selected for transition into Legacy Management? • Objective A.2. Ensure that long-term surveillance and maintenance responsibilities are understood and built into the way the Department does business. Strategies: Facilitate Department-wide understanding and resolve relevant issues through the Field. Comment: Attempts by the Navajo Nation to work with the Grand Junction Field Office to resolve the issues of the "discovered" sites at Tuba City have been unsuccessful. Elevating the issue to DOE Headquarters resulted in the referral back to the Field Office. If both the Field Office and Headquarters are unresponsive, what authority does the Office of Legacy Management have to compel a response to the Navajo Nation's concerns? Can the Office of Legacy Management issue a department order directing the Grand Junction Field Office to respond and implement appropriate corrective action based on the Navajo Nation request? What is the anticipated timeframe for the Office of Legacy Management to respond or seek the resolution of our request? Objective A.3. Have the capability and tools in place to ensure continuous improvements in the effectiveness of long-term surveillance and maintenance for current and future generation. Strategies: Resources, funding and advances to ensure continuous improvements will be obtained. Comment: The strategies contradict the success indicators. How can the commitment to secure resources to enable long-term surveillance and maintenance into the future be simultaneously reduce if it will take hundreds and even thousands of years to remediated a site? Comment: What are the sources of alternative funding? Are these sources readily available and are these funds long-term? The sites belong to DOE; so long-term funding to maintain an effective and efficient surveillance and maintenance program is a DOE responsibility. Will these funds and other resources be made available to Tribes to develop long-term legacy management programs? Comment: How will legacy management work with Tribes to take into consideration traditional and cultural values that are affected by long-term surveillance and maintenance activities? Comment: How will DOE 	<p>2</p> <p>2</p> <p>4</p>
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	<p>ensure that adjacent developments on adjoining lands do not have the potential to reduce the effectiveness of a selected remedy at a DOE site?</p> <ul style="list-style-type: none"> • Goal B. Situation: Records will assure regulators that DOE sites do not pose an unacceptable risk to their communities. Information on site personnel will assure continuity of medical and pension benefits. Information will be provided to internal and external users. Comment: Does DOE have information for companies that no longer exist? Attempts by former Navajo uranium miners and millers to obtain information to substantiate their involvement in government-sponsored operations have been very difficult to obtain. As a result, medical, pension and compensation benefits are denied. Will legacy management be able to provide relevant information to these former workers to justify their entitlement to benefits? Comment: Information pertaining to closed sites will be provided to internal and external users. If a user uses the information to disrupt long-term surveillance and maintenance, how will legacy management handle the disruption? If the information substantiates that a DOE selected remedy is not effectively remediating a site, how will legacy management address these new developments? Will legacy management have the authority to reverse a decision to close a site based on new information that the site no longer satisfies the criteria for closure? Comment: If a site is closed and a user proposes to re-establish or implement government-sponsored activities, will legacy management transfer the sites to another Department section for activation? How will this new action be coordinated with the Tribes and other stakeholders? How will long-term surveillance and maintenance be implemented and who will assume responsibility for implementing long-term surveillance and maintenance at sites that are reactivated? Comment: If a user proposes to reactivate a site over strong community and stakeholder opposition, what role will legacy management assume? Comment: Security and unauthorized sources that may request information shall be developed. How will this process be implemented to comply with Homeland Security issues locally and nationally? • Goal C. Situation: Since 1993, more than 50,000 contractor personnel have been separated. Comment: The legacy of impacts that resulted from government-sponsored Cold War efforts predates 1993 and as a result more than 50,000 workers are affected. How will legacy management address the needs of former miners and millers prior to 1W3? Comment: The graph provided begins with the year 2002 through 2008 and the dollar values ranges from \$325 million to \$1,300 billion. Will legacy management be responsible for dispensing these funds? What is the dollar value to address the needs of former miners and mill workers that predate 2002? Why isn't there a dollar value for the former works that predate the year 2002? • Goal D. Situation: DOE is the fourth largest federal landowner and will ensure the beneficial use for current and future generations. Legacy management will make excess lands and facilities available for public and private uses. Comment: The UMTRA sites located within the Navajo Nation are located on federal trust land that is held in trust by the U.S. Department of Interior; therefore, DOE is not considered a federal landowner of these UMTRA sites. However, DOE is still responsible for long-term surveillance and maintenance of these sites, as well as any new "discovered" sites that were allegedly associated with government-sponsored Cold War efforts. Comment: The abandoned uranium mines were previously developed by government-sponsored contractors who supplied unprocessed uranium ore materials to the UMTRA sites. Federal resources limited NNAML's remedial efforts to the structural mine features and did not address the potential adverse impacts to human health and environment. Will legacy management be able to assist with the assessment and mitigation of long-term impacts posed by the sites that were not addressed by NNAML? Comment: What authority does DOE possess to allow it to dictate and implement land use within a Tribal or State jurisdiction? What authority does DOE possess to change the status of a close site that must be monitored long-term for other uses or "reuse"? Reuse implies that a site can be reopened for renewed development and reuse can occur based on new technology without regard to long-term surveillance and maintenance of contamination that will take hundreds and even thousands of years to remediate. • Goal E. Situation: DOE will allocate grants to Community Reuse Organizations to create plans that address both local, regional and departmental interests. Comments: Navajo local and regional interest is focused upon compensation to former miners, millers and their dependents, and is also focused on evaluating and resolving adverse impacts to human health and the environment that were not addressed by DOE (e.g., haul roads, abandoned uranium ore piles on private lands, locating assets of companies that are no longer in existence, plugging water wells that are contaminated, drilling new drinking water wells, etc.). Legacy management should not be limited to former workers or communities that were impacted prior to the year 2002. The Cold War and government-sponsored activities predates 2002, so any DOE grants should be made available to every community that has a DOE site or was 	<p>4</p> <p>4</p> <p>6</p> <p>4</p>
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	<p>impacted by a government-sponsored activity that supported DOE's missions.</p> <ul style="list-style-type: none"> • Conclusion: Thirty-two Navajo communities are impacted by more than one thousand abandoned uranium mines; five large Navajo communities are impacted by UMTRA sites; several Navajo communities are impacted by uranium mining and milling activities that took place on adjoining non-Tribal lands and jurisdictions; intersecting all these communities are abandoned piles of unprocessed uranium ore materials, haul roads, transfer stations, and numbers contaminated surface and ground water resources. These unresolved issues predate 2002 and are not addressed by the proposed plan because legacy management is limited to DOE sites that meet unspecified criteria for closure, unspecified criteria for transfer into legacy management and unspecified criteria for long-term surveillance and maintenance that applies to DOE sites that began or ended between the years 2002 through 2008. Limiting the proposed plan to DOE activities that do not predate 2002, is contrary to DOE's Environmental Strategic Goal, which states: "To protect the environment by providing reasonable resolutions to the environmental legacy of the Cold War and by providing for the permanent disposal of the Nation's high-level radioactive waste." The proposed plan does, however, attempt to re-emphasize the "government-to-government" relationship expressed in DOE's American Indian Policy of April 8, 1992; however, despite this policy, DOE has failed to acknowledge or respond to Navajo Nation President Shirley and Mr. Etsitty's requests as of December 1, 2003. As a trustee, DOE's proposed strategic plan for legacy management overlooks the sacrifices of human and natural resources that the Navajo Nation made to meet government-sponsored commitments and needs for the Cold War. Navajo Nation EPA looks forward to your reply and subsequent revised strategic plan document. 	6
69. Northern New Mexico Citizens' Advisory Board	<ul style="list-style-type: none"> • General Comment. While this Plan covers only the years 2004-2008, we strongly recommend that you include provisions in the Plan to pass basic responsibilities for long-term environmental stewardship to future offices and even departments as the needs of the county evolve. • GOAL A. "Protect Human Health and the Environment through Effective and Efficient Long-Term Surveillance and Maintenance: The Department of Energy has proclaimed cradle-to-grave responsibility for defense-generated wastes. This Plan does not address legacy material disposed offsite as part of cleanups. Although these disposal sites may be governed under state disposal laws, the DOE has implied a continuing responsibility for them. If the LM Office or DOE have no interest or authority over long-lived waste accepted by another agency, i.e., Envirocare, PCB and asbestos disposal facilities, etc., that fact should be succinctly conveyed in this Plan. Recommendation: This plan should succinctly state Legacy Management's relationship with offsite waste disposal facilities. • GOAL B. Preserve and Protect Legacy Records and Information: The NNM CAB appreciates the prominence of records retention, protection, and accessibility stated in this Plan. The accumulated knowledge of hazardous waste sites represents a considerable investment by the American people. We urge the LM Office to vigorously pursue and defend funding for this goal. However, the strategies listed in this plan for public access may require long retrieval times. We feel that community and state governments are entitled to immediate access to basic information on specific sites should the need arise. Recommendation: Add a strategy to Goal B to collect basic information, i.e., locations and hazardous materials present at specific waste sites, assemble it in various formats, in electronic format, and disseminate it widely among local and state public health and safety agencies for their immediate access. As the repository for this information may be remote from specific DOE sites, consideration should be given to establishing repositories near each DOE site, perhaps at a local government records center. • GOAL D. Manage Legacy Land and Assets, Emphasizing Safety, Reuse, and Disposition: This goal does not address on-site parcels that may never become safe enough for reuse, but may not have their contents transported to a depository such as the Waste Isolation Pilot Plant. Of special concern is how to mark such sites as hazardous in order to inform generations far into the future, beyond the life span of the Office of Legacy Management and the DOE. If the intent of the LM Office is to have these sites move off their agenda after a certain time, that intention should be succinctly stated. Recommendation: Develop a multimedia marking system for long-lived hazardous waste sites. These media can include on site permanent staking, GPS coordinates, county and state land use maps, etc. Disseminate this information in accord 	2 4 2 2

	<p>project. Using a matrix of community, union and local health resources, with appropriately sensitive DOE managers who lived in the community, this observer -and observers who made multiple visits from the German counterpart agencies [who share similar problems] -observed efficiency and mutual government-stakeholder trust. The key was essentially a local operation relatively encapsulated from DOE regional and headquarters interference. The Grand Junction model of success can be replicated but that cannot be done with control from DOE headquarters. Nor have regional or district offices demonstrated either their need or proficiency in management. While serving in government, especially as Chief, Field Services, Air Pollution Program, USPHS and EPA, this writer observed that most regional and district operations of any of the federal agencies became essentially obsolete with the invention of the airplane, auto rental agencies and the motel. Yet expertise is necessary on a continuous basis. Thus the use of other government agencies with both real local presence as well as the expertise and trust of the stakeholders -because of relatively less-conflicted responsibility and missions -becomes an imperative organizational value. The issue of trust is not only the central health issue; it is the most obvious and publicized historical and future problem of the Department of Energy.</p> <ul style="list-style-type: none"> • In recent Congressional testimony, Under Secretary of Energy Robert G. Card describes the process that under the Energy Employees Occupation Illness Compensation Program Act of 2000 (EEOICPA): “DOE gathers records from around the country relating to the workers’ occupational histories and their health conditions, and then refers the application to a panel of doctors.” This policy includes all workers including those employed by contractors who are eligible for workers’ compensation benefits, workers who believe they are ill as a result of working at a DOE facility and exposure to a toxic substance at the facility. Once the situation is investigated and DOE affirms the employee’s belief, a case file is compiled for the worker-by DOE including the physician panel’s findings. An effort is made to foster the eligibility for the employee to receive benefits. Filed under Part 8, the DOL Federal entitlement section, of the EEOICPA compensation program at this time there are currently more than 40,000 applications. This number of applications, Under Secretary Card notes, far exceeds an estimate in an April 2000 statement by Secretary of Energy Richardson that 3000 workers would be compensated for work- related illnesses. For 3,000 workers, it was estimated, administrative costs and worker benefits would amount to about \$120 million annually for the first three years of the program. The expected 2004 fiscal year EEOICPA claims are projected to cost \$1.5 billion. At least one factor in this alarming scenario appears to be the fact that health care protection has declined for non-occupational cases, resulting in incentives to have these injuries/illnesses classified as work-related. The dean of workers’ compensation studies in the United States, John F. Burton, Jr., notes that at the same time ‘% cost containment approaches directed towards health care provides are less widespread in workers’ compensation than in the rest of the health care system.” The application of traditional solutions -repression of fee schedules, limiting choice of physician, use of deductibles and other forms of co-insurance and economic pressures on the patient, regulation of hospitals -fail to work in the ‘comp’ setting. The system, Burton emphasizes is “broken.” “Workers’ compensation program costs are high for employers due to the increase in benefits paid to injured workers.” While the workers’ compensation program is covering occupational disease and injuries, comparable injuries and disease are not compensated for through the healthcare system, encouraging workers to submit claims to any program that will cover the expense regardless of whether it is work related or not work related. A similar socio-economic scenario is occurring that impacts both the private pension and disability provisions of Medicare in which workers with medical conditions that preclude full-time work are forced to take early medical retirements, but to meet their living and health care expenses must supplement their income with part-time work (and appropriate part-time work may not be accessible). In a review of the records of a union pension fund that serviced many former DOE contractor and subcontractor employees in Albuquerque on July 13, 1995, this writer found that 20-25% of the retirees received a disability pension, and an additional 10% may have retired early because of undetermined disease. This verifies national trends predicted in the early 70s by Department of Labor analysts. While the response of DOE to the workers’ comp mess has improved, program incoherency continues with little abatement. A case in point is dose reconstruction of worker exposures. An essential process both for risk assessment and management for the individual worker, higher specific worksite, the entire facility, and the ‘system’ itself, dose-reconstruction is taking place simultaneously with almost no coordination and minimal exchange of information. Other agencies involved, such as NIOSH and EPA, are merely adding to the confusion as they compete with each other and with ORAU, DOE-EH and DOE-EM for budget dollars and ‘slots’. Here OLM could make a real contribution and through the elimination of duplication save billions of dollars and relieve much inestimable human suffering. • Given the long-term projection of disposal and associated disassembly that must continue at least through this century, the concept 	<p>6</p> <p>6</p>
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	<p>be maintained, or at least not violated by local communities.</p> <ul style="list-style-type: none"> Objective E.2 provides strategies concerning Community Reuse Organizations, such as "Advocate transfer of personal property to the Community Reuse Organizations, assisting communities in their economic development and restructuring programs." In practice it may be difficult to transfer a number of DOE/OLM properties because of the continued presence of contaminants on site. This objective could be revised to include "leasing" of property for uses consistent with residual risks at a site. Resources, including federal personnel, will be a continuing concern of EPA, the states and stakeholders. For instance, under Part IV, Objectives and Strategies for Legacy Management Goals, the OLM is to "Ensure that contingency plans are in place and that adequate funds are available." Many parties are most interested in the detailed plan to accomplish that goal. Concerns are raised by news reports that the FY 05 funding request for OLM Goal C, workforce and community transition is reduced by 75% from FY 04 levels. It will be vital to maintain an effective dialogue in the future to assure all concerned organizations are aware of funding realities and the OLM's specific plans to accomplish its goals. 	2 6
75. Alliance for Nuclear Accountability	<ul style="list-style-type: none"> The Office of Legacy Management's (OLM) Draft Strategic Plan is about much more than the startup of an office designed to accept responsibility for multiple aspects of sites currently in the process of cleanup and closure. In vaguely worded phrases such as, "changes in the Department's mission requirements," the OLM Draft Strategic Plan hints at the substantial changes intended, namely to phase out the Office of Environmental Management, instill ongoing Department of Energy (DOE) nuclear weapons, nuclear energy and other scientific programs with their own responsibility for future cleanup, and create a new Office of Legacy Management to handle ongoing environmental, workforce, document and land-use missions. The Alliance for Nuclear Accountability (ANA) has basic concerns about this strategy. First, ANA questions the wisdom of plans to assign responsibility for current and future contamination created by the National Nuclear Security Administration, the Office of Science and the Office of Nuclear Energy, to those offices. While making the polluters responsible for cleaning up their own mess may provide some incentive for cleaner practices, it may also allow for a return to relaxed oversight and practices of hiding contamination in ways that will create larger long-term costs for human health and the environment. In addition, considerable resources and expertise have already been marshaled under EM to address the job of technically challenging cleanup. Assigning this complex task to multiple offices with little expertise in this area appears to be a recipe for mediocrity at best. Also, instead of having one office to go to with cleanup concerns, stakeholders will have to go to multiple offices, especially where sites such as Oak Ridge or the Idaho National Engineering and Environmental Laboratory (INEEL) continue with multiple missions. A revitalized EM could function in cooperation with these other offices, with incentives provided by DOE to those offices for clean practices. The Department of Energy appears intent on closing the Office of Environmental Management (EM), officially by 2035 and unofficially, as soon as 2025 (part of former Undersecretary Card's comments at the October, 2003 intergovernmental conference on cleanup). Cleanup will be needed at sites that have ongoing missions beyond these dates. In addition, ANA believes DOE is overly optimistic in its plans to complete cleanup at the major sites by these dates, particularly considering the kind of "cap and cover" strategies the DOE is attempting with these sites. In addition, these dates, at least 20 years away, are the length of multiple administrations and congressional sessions, time enough for plans to change substantially. While EM hopes to begin closing sites as early as 2006 and transitioning them to the new Office of Legacy Management, ANA believes it may be wiser to continue EM's responsibility for these sites for the foreseeable future. Prolonging EM's responsibility for cleanup will ensure the continued institutional memory of cleanup while this work proceeds at other sites and will allow a single office to be invested with the responsibility of cleaning up DOE's contamination. As an example, the Strategic Plan suggests OLM will create closure and contingency plans, yet these plans should be EM's responsibility. DOE and the public would be better served by a single institution responsible for closure and post-closure actions, especially if contingencies are needed. ANA is also concerned about OLM's assumption of long-term responsibility for the sites because there is no clear line to be drawn between the cleanup that EM is currently doing and the future mission of OLM, which may well involve further cleanup activities. The new Office of Legacy Management's primary goal with regard to contamination is to conduct "long-term surveillance and maintenance." At other places, the word "monitoring," is added, roughly synonymous with surveillance. However, in several instances, the Draft Strategic Plan refers to actions that would be carried out by OLM that would go beyond surveillance and maintenance to include future cleanup. From the beginning in the Executive Summary there is mention of "incorporating future 	4 4 4 4

	<p>maintenance to include future cleanup. From the beginning, in the Executive Summary, there is mention of “incorporating future advances in science and technology,” and on page 6, the Plan sets forth the objective of “continuous improvement in the effectiveness of long-term surveillance and maintenance,” with a strategy of tracking and using “advances in science and technology to improve sustainability and ensure protection” [emphasis added] and with a success indicator of “risk reduction to human health and environment maintained or improved” [emphasis added]. ANA applauds OLM for recognizing that technological advances will enable better cleanup in the future. However, the future involvement of OLM in cleanup begs the question of the necessity of having OLM separate from EM. Shouldn’t the office with existing responsibility for cleanup continue to manage these sites after “closure” as a way to better integrate surveillance, monitoring and maintenance functions with opportunities for further cleanup? Given adequate funding, proper management and mission, and quality staff, ANA believe so.</p>	6
	<ul style="list-style-type: none"> • ANA commends OLM for reiterating the need to involve stakeholders, Congress, regulators, and state, tribal, and local governments. Recognition of the need to involve all parties is important. However, these terms are not well defined. Words ranging from “interaction and exchange” (p.4) to “coordination” (p.3) are used to describe the involvement of stakeholders, suggesting a more robust involvement than the use of public hearings, though this level of involvement should be further defined and supported in practice. Mention of stakeholder involvement is missing in some places (e.g., land use planning). ANA strongly suggests incorporating “stakeholders” in the lists that include government authorities. 	2
	<ul style="list-style-type: none"> • ANA also commends OLM for reaffirming its commitment to existing laws and regulatory requirements (e.g., “Legacy Management will inherit regulatory and legal responsibilities,” (p.1), “The Department will manage these hazards in accordance with applicable regulatory requirements,” (p.3), and “These facilities are, or will be, required to meet regulatory standards to ensure that engineered and institutional controls employed as part of the remedy are protective of human health and the environment. Legacy Management will ensure that these controls remain effective,” (p.5). However, ANA would stress that OLM deliverables established in the Strategic Plan be tied to Department of Energy (DOE) orders, in addition to the existing regulatory requirements and cleanup agreements. Also, it is unclear how OLM will be held accountable should it fail to honor these orders and regulations. 	4
	<ul style="list-style-type: none"> • ANA strongly urges the OLM to require independent cost analyses be performed for all sites that will be transferred to OLM. One set of analyses should compare the costs of leaving waste in place today versus the long-term monitoring, surveillance and maintenance costs for time frames 5, 10, 15, 20, 25, 50, 100 and 1,000-years out. Another set of analyses should compare the costs of immediate cleanup to unrestricted use (which avoids the need for long-term monitoring, surveillance and maintenance costs) with those of long-term monitoring, surveillance and maintenance costs for the same time frames. Statements such as, “[g]iven the long-lived nature of radionuclides and other residual hazards, it is reasonable to assure that, at some facilities, long-term surveillance and maintenance will be required for hundreds or even thousands of years,” support the need for analyses of the long-term costs for surveillance and maintenance compared to cleaning up the contamination now (p.5). 	4
	<ul style="list-style-type: none"> • The Draft Strategic Plan is unclear on how the transition process between Environmental Management and OLM will take place. We believe that the process should be spelled out in the Strategic Plan and should address why the contingency and closure plans are the responsibility of OLM and not EM. We suggest that the cost analyses mentioned [in No. 2] above be a requirement before any transitions take place. 	
	<ul style="list-style-type: none"> • The terms “monitoring and surveillance” have been changed to “surveillance and maintenance” in describing OLM’s mission regarding ongoing contamination. These terms should be defined. If the term “monitoring” is not synonymous with “surveillance,” the term “monitoring” should be retained. In addition, given that OLM will be performing some cleanup, either in “maintaining” a site or through incorporating new technologies, the core mission should be broadened beyond “surveillance and maintenance” to include “cleanup,” and the word “cleanup” should be added to the phrase, “surveillance and maintenance” wherever it appears. 	6
	<ul style="list-style-type: none"> • Communities are mentioned in terms of minimizing the economic impacts of site closure. However, whereas OLM will work to ensure worker pension and medical benefits, there is no mention of the long-term health needs of communities affected by contamination that has extended beyond the site boundary. The health needs of persons continuing to live in these communities, and those that have since left but carry with them conditions caused by contamination or the possibilities for such, are real and must be addressed. OLM should be charged with a number of functions to ensure community health needs are met, including: a) the sharing of data regarding contaminants and contaminated areas with local health officials. b) providing resources for the 	6

	the sharing of data regarding contaminants and contaminated areas with local health officials, b) providing resources for the screening of community members most likely to have been affected by contaminants, c) providing resources for medical care for those persons and families who have been affected.	6
	<ul style="list-style-type: none"> • ANA is concerned that the Strategic Plan does not include the methodology for reviewing and revising the plan. We believe that annual reviews of the plan should be mandatory and that this progress be incorporated into the revised plan. • The title should incorporate the fact that the Strategic Plan is for a five-year implementation time frame, FY04 through FY08. • The gray-tone “Predecisional Draft” across each page makes portions of the document difficult to read. The “Predecisional Draft” wording in the footer is adequate. • Captions should be provided for all charts and tables. • February 27, 2004 OLM letter and Message to Reader <ul style="list-style-type: none"> • It is unclear how the OLM will “manage the effects of changes in the Department’s mission requirements.” The Strategic Plan should list those changes to DOE’s mission requirements and their effects that the OLM will manage. • The Strategic Plan should state specifically when it should be revisited or reviewed. Because the OLM is a new department within DOE and the Strategic Plan is a “comprehensive management plan,” ANA believes that it should be reviewed annually, with adequate public notification and opportunity to provide comment. • ANA believes that it will be difficult for the OLM to realize its goals and objective without providing adequate notice of the availability of documents and adequate time to review and comment on those documents. • This section should include a statement about the OLM’s responsibilities to provide long-term cleanup, monitoring, surveillance and maintenance of those sites that will not be cleaned up to allow for unrestricted use. • Part I. Background. <ul style="list-style-type: none"> • The second paragraph should read, “For the past 60 years,” not 50. • The background should better describe the history of contamination and mismanagement, mentioning “dumping of wastes of all types in shallow, unlined trenches, rivers and lakes; unmonitored air emissions, lost or suppressed data regarding waste burial and emissions; intentional experiments involving human subjects and populations, etc.” • Fourth Paragraph. Please define “legacy liabilities.” Please incorporate that definition in the next revision of the Strategic Plan. • Fifth Paragraph. The Strategic Plan should explain how the OLM will implement post-closures functions at sites with continuing missions and how it will work with the National Nuclear Security Administration and Nuclear Energy (e.g., at INEEL) to implement those responsibilities. • Part II. Legacy Management Mission, Vision, Goals, and Planned Accomplishments. <ul style="list-style-type: none"> • Vision, first bullet. Please define “protective levels.” We believe this should state the “effects of residual contamination are maintained” at regulatory standards. • Vision, third bullet. Please define “public trust.” • Vision, fifth bullet. Please define “beneficial use.” Please also see, Goal D. Situation, first paragraph. • Add vision bullet: “Community health and safety issues are addressed through open dialogue and sharing of information, and resources are made available for health care for persons affected by contamination. • Add vision bullet: “Treaties and agreements with Native American tribes are honored. • Goal A. Protect human health and the environment through effective and efficient long-term surveillance and maintenance. The description does not include OLM’s long-term surveillance and maintenance responsibilities. • Part III. Corporate Management Strategy and Principles. <ul style="list-style-type: none"> • Second paragraph. Amendment of the LM program. As stated above, ANA believes that the OLM should be reviewed annually, with adequate public notice and opportunity for review and comment. • For the principles to be effective, ANA believes the responsibilities of OLM must be incorporated into DOE orders. Please describe how those responsibilities will be incorporated into DOE orders. 	6 6 2 1 2 6 6 2 2 6 2 4 6 2 2 4 4 2 6 4 2

	<ul style="list-style-type: none"> Principles, third bullet. The Plan states that DOE will “manage these hazards in accordance with applicable regulatory requirements.” Does this mean OLM will be the office responsible for ensuring all DOE sites are in compliance with the National Environmental Policy Act (NEPA), the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act, Clean Air Act, and other key environmental laws? Principles, fourth bullet. ANA believes that DOE Orders and NEPA requirements should also be listed, along with the Life-Cycle Asset Management, Integrated Safety Management, etc. Principles, fifth bullet. What procedure will ensure that “current assumptions that guide departmental policy” will be reevaluated and modified? Please incorporate this information in the next version of the Strategic Plan. Principles, seventh bullet. The Strategic Plan should be more specific about how it will “consult” with affected parties about legacy management issues. Our experience has not increased public awareness, which “facilitates informed decision making and increases the likelihood of successful implementation of legacy management responsibilities.” An additional principle should be added supporting independent oversight of OLM activities, including the prompt sharing of information with, and access to sites by the Environmental Protection Agency, the Defense Nuclear Facilities Safety Board, Congressional Research Service and other congressional inquiries, General Accounting Office, state and local regulatory agencies, and other independent reviews. 	2
	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals. Goal A. Protect Human Health and the Environment Through Effective and Efficient Long-Term Surveillance and Maintenance. <ul style="list-style-type: none"> Situation, first paragraph. ANA strongly suggests that the OLM aggressively pursue new cleanup technologies for sites where contaminants are slated to remain in place. Situation, first paragraph. Describing hazards as lasting, “hundreds or even thousands of years,” is an understatement given the half-life of plutonium is 24,000 years, the half-life of Uranium-235 is 704 million years and the half-life of Uranium-238 is 4.46 billion years. How will the “Roadmap” created by the Office of Science and Technology be incorporated into the OLM? Objective A.1. Effectively manage post-remediation responsibilities and liabilities. ANA suggests that this objective explicitly include language to reflect the OLM’s regulatory and legal requirements. Objective A.1., fourth bullet. ANA believes that the contingency plans should be designed at the time cleanup decisions are made and in place before any land is transferred to the OLM. Objective A.1., fifth bullet. ANA believes that the correct word is “comply,” and not “meet.” DOE is required to “comply” with “current environmental, health, and safety requirements and regulations.” Objective A.1., seventh bullet. How does OLM intend to “minimize” DOE’s environmental liability for surveillance and maintenance? Is this via changing statutory requirements to allow less cleanup, or via bolstered cleanup to minimize the need for future cleanup? Objective A.1., eighth bullet. Please describe in detail the “site transition framework” and incorporate that description in the revised Strategic Plan. Objective A.1. Success Indicators, first bullet. Please define “high,” as in “high percentage.” Does that mean 70% certainty, 95% certainty or 99% certainty? Please state the exact percentage in each case where a “high percentage” is written, e.g., Objective A.2., Success Indicators. Objective A.1. Success Indicators, third bullet. What criteria will OLM use for determining “community acceptance of maintaining remedies?” Please include these criteria in the revised plan. Objective A.2. Strategies, first bullet. How will the surveillance and maintenance baseline be developed? What will be the criteria for the baseline? Will the criteria include regulatory and legal requirements? Please incorporate this information into the revised Strategic Plan. Objective A.2. Strategies, second bullet. Please describe the process to “[f]acilitate Department-wide understanding and agreement on the scope of long-term surveillance and maintenance.” Please describe the Field Management Council. Please 	4
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	incorporate both descriptions into the revised Strategic Plan.	2
	<ul style="list-style-type: none"> Objective A.2. Success Indicators, first bullet. ANA believes that the long-term surveillance and maintenance plans should be in place before the land is transferred to OLM. If you do not agree, please explain your reasoning in the revised Strategic Plan. 	6
	<ul style="list-style-type: none"> Objective A.2. Success Indicators, second bullet. The “critical long-term surveillance and maintenance elements” should be incorporated into “all relevant departmental orders, planning and management systems” before any lands are transferred to the OLM. If this is not the case, then DOE is putting the cart before the horse and we request that you explain your reasoning in the revised plan. 	4
	<ul style="list-style-type: none"> Objective A.3. Strategies, first bullet. What are the criteria against which you will “[I]dentify and assess the capabilities and resources needed to conduct long-term surveillance and maintenance in the future, and ensure that they are obtained?” Please incorporate those criteria into the next version of the Strategic Plan. 	2
	<ul style="list-style-type: none"> Objective A.3. Strategies, second bullet. ANA supports the OLM identifying and understanding alternative funding mechanisms for the monitoring, surveillance and maintenance activities. We suggest including communities and stakeholders in the list of entities that must be assured that these activities will be adequately funded and completed in a timely manner. 	4
	<ul style="list-style-type: none"> Objective A.3. Strategies, third bullet. How will the OLM “track and use advances in science and technology to improve sustainability and ensure protection?” Will the OLM utilize the Office of Science and Technology? We suggest including language “to improve reliability” and “ensure human health and environmental protection” in this Strategy. 	4
	<ul style="list-style-type: none"> Objective A.3. Success Indicator(s), first bullet. Please explain what the consequences will be if the “cost of operating, monitoring, and maintaining environmental remedies” increase. 	4
	<ul style="list-style-type: none"> ANA suggests the following guiding principles be added to the draft Strategic Plan document: <ul style="list-style-type: none"> Select remedies that protect the long-term safety and health of the community and of the environment surrounding the DOE facility. 	4
	<ul style="list-style-type: none"> Consider all aspects of establishing, maintaining and funding long-term environmental protection (LTEP) activities during the remedy selection process. The draft Strategic Plan fails to heed the core message of the August 2000 report of National Research Council of the National Academy of Sciences, entitled Long-Term Institutional Management of U.S. Department of Energy Legacy Waste Sites. The report states that: “No plan developed today is likely to remain protective for the duration of the hazards. Instead long-term institutional management requires periodic, comprehensive reevaluation of those legacy waste sites still presenting risk to the public and the environment to ensure that they do not fall into neglect and that advantage is taken of new opportunities for their further remediation.” 	4
	<ul style="list-style-type: none"> Lessons learned from Superfund may be useful. Participatory evaluation can increase the likelihood that an evaluation will be viewed as credible and useful because the diverse needs of participants are more likely to be fulfilled (e.g. Guba and Lincoln 1989, Syme and Sadler 1994). Involvement can be focused in the design phase or throughout the process. 	6
	<ul style="list-style-type: none"> Evaluation is often thought of as an end-of-the-project report card. However, evaluation at the end of a process is not useful for improving the process by correcting problems mid-course. “Real time” evaluations aimed at improving programs in progress are a means of formative evaluation that provides managers with feedback during program development and implementation (Posavac 1991).... This feedback can be used during investigation, design, and clean-up phases of Superfund contaminated sediment sites by both agencies and other stakeholders to improve community involvement efforts and positively influence clean-up efforts. 	6
	<ul style="list-style-type: none"> Long-term monitoring, surveillance and maintenance activities at each site should include distribution of health information to the public and local public health providers. Materials should include educational fact sheets and databases about possible diseases related to contaminants. In addition a health-monitoring plan should be developed -- with full public participation -- in affected communities. For those sites that have contaminated surrounding neighborhoods, DOE should take responsibility for health care costs for residents, compensation for property values, and conduct remediation on the contaminated property. 	4
	<ul style="list-style-type: none"> Goal B. Preserve and Protect Legacy Records and Information. ANA refers OLM to “Telling the Fernald Story” for information 	

	about community concerns about these sites.	2
	• Situation, last sentence. Insert the word “important” before “records” in the last sentence.	2
	• Situation, first bullet. These records should include characterization records and locations for all residual contamination.	4
	• Situation, second bullet. We are unsure how the records will “assure regulators that these sites do not pose unacceptable risks to their communities.” Will the OLM receive the current monitoring, surveillance and maintenance records? If so, where will they be stored? On-site? At DOE headquarters? ANA strongly suggests that the complete records of the contaminants and their locations should be placed on file in regional libraries and state archives where the DOE site is located.	2
	• Objective B.1. Strategies, first bullet. Please insert “in compliance with National Archive and Records Administration guidance” after “program.” Replace the word “appropriate” with the word “maximum,” as in “maximum access to records.”	4
	• Objective B.2. Strategies, first bullet. The OLM should establish a set timeframe to reevaluate the requirements for the records and information, which ANA believes should be annually.	2
	• Objective B.2. Strategies, third bullet. The OLM should retain the hardware system to read the information and records stored on media that may become outdated. The hardware should be kept in good working order. In no event should information and records be kept in a condition where they may no longer be accessed and read.	2
	• Objective B. 2. Success Indicators, second bullet. Please reword stating, “Positive feedback from stakeholders regarding access provided to legally releasable information.” A measurement tool should be developed to implement this.	4
	• Objective B. 2. Success Indicators, third bullet. Please state the criteria to determine if the public access system is cost-effective. Please state the consequences if the system is found to be not cost-effective.	1
	• Objective B.2. Success Indicators. An additional bullet should be added, which should read, “Compliance with the National Archive and Records Administration guidance.	4
	• ANA strongly suggests that OLM develop a mechanism to compensate local governments for the costs of emergency response staff, training, protective equipment, and retention of information about the nature of remaining contaminants.	
	• Goal C. Support an Effective and Efficient Work Force Structured to Accomplish Departmental Missions, and Assure Worker Pension and Medical Benefits.	2
	• The graph should be titled and should be extended to 2035, when Environmental Management will complete cleanup activities and transfer lands to the OLM.	4
	• Objective C.1. Strategies, second bullet. What will be the criteria to establish a “consistent methodology for cost analysis for current employee and retiree benefits programs”? How will current employees and retirees participate in establishing and commenting about the consistent methodology?	6
	• Objective C.2. Strategies, second bullet. Please explain the “cost savings that are three times the one-time cost of separation.”	6
	• Objective C.3. Strategies, third bullet. Please explain what “other strategic alignment elements” are or might be.	6
	• Objectives C.3. Success Indicator, first bullet. Please explain the consequences of additional annual costs “as compared to the one-time cost of separation.”	
	• Goal D. Manage Legacy Land and Assets, Emphasizing Safety, Reuse, and Disposition.	6
	• Situation. There is no description for the Disposition portion of the Goal. Please add one.	6
	• Situation. Please add a description of OLM’s responsibilities for lands that cannot be released for unrestricted use.	4
	• Situation, second paragraph. What is involved in implementing “departmental land use planning processes?” Do such processes exist? If so, please list those processes. If not, please describe how stakeholders may be involved in developing such processes.	2
	• Objective D.1. Strategies, third bullet. Please include stakeholders and communities surrounding the sites in the list for collaborative land use planning.	
	• Objective D.1. Success Indicators, second bullet. Please state a definitive time frame for the periodic review for the “land management strategies and assessment of strategy effectiveness.” ANA strongly suggests an annual review.	6
	• Objective D.2. Strategies, first bullet. What are the criteria for transferring DOE real property to other federal agencies and external organizations? Please include these criteria in the revised Strategic Plan	4

	<p>external organizations? Please include those criteria in the revised Strategic Plan.</p> <ul style="list-style-type: none"> The revised Strategic Plan should incorporate the following points into this goal to mitigate community impacts resulting from the cleanup of legacy waste and changing DOE missions: <ul style="list-style-type: none"> When land-use restrictions, such as fences, are part of the remedy, DOE should monitor and maintain the site. If property is ever transferred to another entity, DOE should require monitoring for compliance with the same restrictions. Effective public participation must be included in any process to develop policies and regulations on property transfers. DOE is responsible for a site in perpetuity unless a new owner has altered the property or violated a restriction in a manner that releases contamination. If a subsequent property owner ever becomes insolvent, liability should revert back to DOE. Mini-grants should be available for stakeholders and their experts to review and comment on the development of any models that include land use consideration, the groundwater and soil compliance strategies and the compliance strategies. DOE should carry out its responsibility for the huge quantities of contaminated water and soil created by nuclear weapons research, development and testing. Otherwise, many local communities, including those on the 2006 cleanup list, will be forced to cope with the burden of these sites. DOE's negligence threatens the futures of workers, neighbors, and others who live downwind and downstream. ANA remains concerned about the many examples of DOE leaving a mess, such as at Weldon Springs, Missouri. In that case, DOE signed a contract with the state of Missouri providing for long-term maintenance at the Weldon Springs site. After conducting a \$900 million cleanup, building a seven-story dirt pyramid capping 1.5 million cubic yards of uranium contaminated waste, and opening an interpretative center, DOE pulled out of the agreement, leaving the state holding the bag. Cleaning the contaminated groundwater will take at least another two years and monitoring will be required essentially forever. Furthermore, at the Rocky Flats plant in suburban Denver, DOE is planning to clean up only the top three feet of plutonium-contaminated soil. Contaminated pipes will be left in the ground. Permanent long term monitoring and surveillance is necessary because the cleanup is incomplete. Nevertheless, DOE expects to turn the site over to the U.S. Fish and Wildlife Service to use as a refuge. Lessons learned from these experiences should be incorporated into the revised Strategic Plan. Goal E. Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Departmental Missions. <ul style="list-style-type: none"> Objective E.1. Strategies, bullet four. The interagency agreement should include the Department of Labor. Objective E.1. Strategies, bullet five. Since when does DOE have "excess" departmental assets? DOE is limited to a reprogramming authority of not more than \$5 million and even then, funding must be used for pre-authorized programs. OLM must seek specific congressional authority for such a program. The Strategic Plan should incorporate specific strategies to support environmentally sustainable economic development. DOE should support OLM in buying properties and structures that are too contaminated, or adjacent to contaminated land and water, for persons to safely work and play. Compensation should be provided equal to the property's value in equivalent, non-contaminated areas. 	<p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>2</p> <p>2</p> <p>2</p>
76. Elmo Collins, Director Division of Nuclear Materials Safety	<ul style="list-style-type: none"> Strategic Plan appears to be comprehensively written and clearly defines your vision and goals. No additional comments or recommendation to enhance your Strategic Plan. 	5
77. Kara Colton, National Governors Association's Federal Facilities Task Force	<ul style="list-style-type: none"> The Task Force has identified several state concerns related to long-term stewardship; we are pleased to see these concerns represented in the draft Strategic Plan, however the Task Force feels these objectives could be strengthened further. They include the following (with references to where they are in the current draft Plan or where they might best be reflected): <ul style="list-style-type: none"> DOE should strive to maximize clean up in order to limit stewardship obligations as much as possible. (Objective A.1) DOE should provide an assured funding source to carry out long-term stewardship measures where they are absolutely necessary. (Objective A.3) DOE, the States, and EPA should capture the long-term institutional requirements clearly in any final RODs in order to insure 	<p>2</p> <p>4</p> <p>4</p> <p>4</p>

	<p>they are enforceable. (Objective A.2.)</p> <ul style="list-style-type: none"> The Task Force also supports the department-wide perspective of the draft Plan as represented by the Principles in Part III, specifically: <ul style="list-style-type: none"> Legacy Management is a Department-wide responsibility. Legacy Management is a component of all aspects of departmental decision-making. Legacy Management responsibilities, especially long-term stewardship, should be incorporated into relevant departmental policies, practices, and systems. 	5 5 5
78. Washington Department of Ecology	<ul style="list-style-type: none"> The following comments are general in nature, given that the draft strategic plan is very “high-level”. <ul style="list-style-type: none"> The “Principles” (Part III) provide a good framework. We especially encourage USDOE to maintain the third, fourth, fifth and seventh principles, dealing with trusteeship of natural and cultural resources, incorporation of long-term activities into departmental systems, the need for an inter-generational approach, and the necessity of cooperation with stakeholders, states and tribes. The “Situation” described for Goal A, in Part IV, does not explicitly recognize disposal facilities as distinguished from remedial actions that leave contamination in place. Perhaps in most cases the techniques and responsibilities may be the same. However, USDOE should acknowledge that it is leaving, or will leave, large volumes of contamination in disposal facilities that it has created. This is more than a matter of not being able to retrieve contamination. It is not clear, for example, what role Legacy Management will have with regard to WIPP, Yucca Mountain, or closed burial grounds at Hanford and the Nevada Test Site We particularly support the strategies identified under Objective A.3, especially those dealing with alternative funding mechanisms that assure necessary long-term surveillance and maintenance, and continuing development and use of improved science and technology. In discussing records management, Legacy Management probably needs to do more than "comply" with records management laws and regulations. LM may need to be an advocate for revising those laws and regulations in light of the requirements of its mission. Having records accessible is fine, but there are no strategies dealing with the "demand" side of information management. As we've argued repeatedly, you need folks who are motivated to keep the story alive, to ask whether surveillance and maintenance are happening, and to understand how new technology may be applied. We recommend adding a strategy focusing on curation, interpretive programs, etc. Finally, under Goal D, the land management section, we would suggest USDOE consider reversing the order of objectives. In principle, USDOE should transfer land to some other entity to manage, where possible, rather than creating a land and resource management capability beyond its core functions. However, that will require Legacy Management to demonstrate its ability to transfer land to other entities and yet assure its surveillance and maintenance responsibilities, and its ability to insert technology improvements. To arrive at that point may take considerable effort, not only within USDOE, but in cooperation with other federal agencies. 	5 4 5 4 4 2
79. Missouri Department of Natural Resources	<ul style="list-style-type: none"> General Comments <ul style="list-style-type: none"> The Strategic Plan provides a good overview of the issues, mission, vision, goals and planned accomplishments. In general however, the indicators shown would make better strategies. More measurement needs to be included in the indicators, as they appear weak and it is difficult to tell when anything is really accomplished. “Predecisional” appears awkward. A draft means draft, no matter what. The situational narratives are good. It is unclear how this Strategic Plan melds with the Departmental Strategic plan. It appears that by acknowledging the need to consider Legacy Management (LM) as a component of all aspects of department decision making, it will be included. Referring to the Departmental Strategic plan, it appears this LM plan misses an opportunity to fully utilize and support the necessary advancements in scientific understanding or use of the scientific research capacity available. Numerous 	5 2 1 5 2 2

	<p>necessary advancements in scientific understanding or use of the scientific research capacity available. Numerous opportunities to validate or enhance the understanding of the full impact of legacy materials on human health or the environment are missing.</p> <ul style="list-style-type: none"> • A corporate strategy for fully engaging the various “stakeholders” appears to be missing. Judging the success of various actions based on community acceptance, while valid, may not be appropriate if a proactive effort to inform, educate and gain a common understanding of the issues does not exist. Not all sites are in the desolate Western United States. • In the plan, you do not mention a role for States or Tribes, other than to “be informed”. Are States / Tribes expected to just sit and take what you do with no input, oversight or “whistle blowing” capability? • While noted in the background, the Plan does not outline how LM will deal with other sites returning to DOE in order to fulfill the necessary Long term Stewardship role, ie. FUSRAP sites. • It is not clear from the Plan if sites undergoing accelerated cleanup at “active sites” become the responsibility of LM. Little mention is made of work within other portions of DOE, NNSA, etc., to ensure a consistent approach. • Specific Comments <ul style="list-style-type: none"> • Executive Summary, pg ii, 2nd par – On October 1, 2003, the Department “took” a significant step (replace “will take” with “took”) • Part I. Background, pg. 1, 5th par – The plan indicates, “While the remediation activities will continue to be conducted by the Office of Environmental Management the other activities associated with implementation of post closure functions at sites with no continuing mission will be the responsibility of the Office of Legacy Management.” Do all functions of EM transfer to LM when remediation is complete at a site with no continuing mission? • Part I. Background, pg. 1, 5th par – What does “Legacy Management will manage the long term effects of mission changes.” mean? Although this statement is similar to the Mission statement in Part II, it is not the same. This vague description of the role for the agency does not assist to clarify the intentions or a valid means, to measure success. • Will Legacy Management be involved in assessing the potential “long term implications to workers as well as human health and the environment” for any new missions added to the Department, or only if they are removed? • Part II. Legacy Management Mission, Vision, Goals, and Planned Accomplishments, pg 2 – The mission statement appears weak, given the full responsibility of Legacy Management. Department of Energy workers are the corps of the agency’s existence and failure to adequately protect human health and the environment for the citizens they were defending, is not an option. • Vision: The 6 specific items listed under the Vision are a repeat of the goals and don’t really add any additional information or value. Consider dropping the section if not revised, to add value. • Part III. Corporate Management Strategy and Principles, Corporate Management Strategy, <ul style="list-style-type: none"> • pg 3, 1st par: The plan indicates environmental remediation efforts are accelerated and completed. In many situations, remediation efforts are occurring at the same pace. • The plan indicates that LM will continue to improve the Department’s comprehensive program for long term surveillance and maintenance, etc. It is unclear what role LM will play with other portions of DOE. • 2nd par: Very good discussion and recognition for amendments. • 2nd bullet: Ensuring that all stakeholders are efficiently informed and that forums are created to encourage public participation in the process are commendable; however, the informing of stakeholders doesn’t necessarily imply a willingness on behalf of DOE to listen or continue to look for opportunities for stakeholders to provide meaningful input or a supporting role. LM sites exist in our communities, not DOE’s. • Principles: 1st par- Revise to delete “draft” in the first and second sentence “The draft principles...” • 1st, 2nd and 4th bullets all reference the Departmental responsibility for Legacy Management, although it appears these could be combined into a single principle. • It can be confusing when referencing ‘legacy management’ vs ‘Legacy Management’, ie. “...successful implementation of legacy management responsibilities.” Is this a concept or the organization? 	<p>2</p> <p>6</p> <p>4</p> <p>4</p> <p>2</p> <p>4</p> <p>2</p> <p>2</p> <p>6</p> <p>2</p> <p>2</p> <p>5</p> <p>2</p> <p>2</p> <p>2</p>
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	<ul style="list-style-type: none"> Part IV. Objectives and Strategies for Legacy Management Goals, pg 5: Situation, bar chart. What about FY08? Isn't it supposed to be covered in this plan? 	2
	<ul style="list-style-type: none"> Strategies – Nearly all the bullets appear to repeat what has already been said. 	2
	<ul style="list-style-type: none"> The forth bullet “Ensure that contingency plans are in place and that adequate funds are available”. Is this to support the contingency? Is ensuring that adequate funds are available a strategy to implement all planned actions, as well as the contingency? 	2
	<ul style="list-style-type: none"> Success Indicators – If these were put into action statements they would make much better strategies, as well as providing for anticipated detailed goals. For example, in the 1st bullet, DOE indicates “high percentage of periodic reviews completed on time with regulator concurrence and / or acceptance of remedy protectiveness.” What percentage is anticipated for “on time” to be successful: greater than 50 %, greater than 90%, etc? In addition, is concurrence or acceptance by regulators at 100%, or is 80% good enough? 	2
	<ul style="list-style-type: none"> The 2nd bullet indicates “All post closure regulations met and final remedies maintained in accordance with applicable laws”. What timeframes are considered successful? 	2
	<ul style="list-style-type: none"> The 3rd bullet indicates, “Community acceptance of maintaining remedies...”, as indicated how? 	2
	<ul style="list-style-type: none"> The Strategies outlined under Objective A.2 appear weak, and could be defined better. Either revamp to strengthen the strategy or consider dropping. 	2
	<ul style="list-style-type: none"> The Success indicators may be more appropriate as strategies. ie. Define what constitutes a “high percentage of long term surveillance and maintenance plans” developed and implemented for sites requiring them. 25 %, 90%, etc? 	6
	<ul style="list-style-type: none"> Objective 3a. Consider replacing the Strategies with the Success Indicators. 	2
	<ul style="list-style-type: none"> Success Indicator - 1st bullet- Percentage reduction in the cost of operating, monitoring and maintaining environmental remedies. Even if the environmental conditions dictate more work is necessary or more funding is required, it appears DOE LM is locking themselves into a critical downward spiral to reduce the funds in the name of efficiency, possibly inappropriately leaving states and other stakeholders responsible to ensure that appropriate monitoring or actions occur. 	
	<ul style="list-style-type: none"> 2nd bullet “Risk reduction to human health and environment maintained or improved” is awkward. Revise to “Reduce risk to human health and the environment...” 	2
	<ul style="list-style-type: none"> Goal B. Preserve and Protect Legacy Records and Information: Although this goal is extremely critical to the success of Legacy Management, the two Strategies outlined under objective B.1.appear weak. 	2
	<ul style="list-style-type: none"> Again, the Success Indicators should outline specific measures or targets to gauge success. 	2
	<ul style="list-style-type: none"> 1st bullet “Compliance with records management laws and regulations” Who’s laws and regulations, and what constitutes compliance - 50%, 70%? 	6
	<ul style="list-style-type: none"> 2nd bullet “Effective and efficient transfer of records from closure sites into Legacy Management authority. In what timeframes: 1 yr, 50 yrs, etc? 	4
	<ul style="list-style-type: none"> 3rd bullet “Records developed and maintained in a cost effective manner”. Define cost effective. Shouldn't the records be maintained to assure easy access and research? Again, riding the bandwagon to solely reduce costs shouldn't be the strategic direction to indicate success. 	2
	<ul style="list-style-type: none"> For Strategies, under Objective B.2., similar questions exist: Defining when requirements for access, etc., will be reviewed, would help. Will this occur yearly, every 50 years, or when asked? 	2
	<ul style="list-style-type: none"> For Success Indicators, 1st bullet, the plan indicates “access mechanisms provided for internal and external requests of legally releasable records for which Legacy Management is custodian”. It would be useful to outline when this will occur or how much time after site closure? 	4
	<ul style="list-style-type: none"> Does cost-effective public access systems mean “cheap”? 	2
	<ul style="list-style-type: none"> How will you know if custodial records are released to unauthorized sources? 	4
	<ul style="list-style-type: none"> Goal C. Support an Effective and Efficient Work Force, Objective C.1, Success Indicator, <ul style="list-style-type: none"> 1st bullet – What does “Consistent legacy benefit...” mean? 	2

	<ul style="list-style-type: none"> • Goal D. Manage Legacy Land and Assets, Emphasizing Safety, Reuse and Disposition, Situation – 2nd para. The plan references “environmentally sound land uses... as population increases, particularly in the West.” Environmentally sound land uses are essential as population increases occur everywhere. To indicate that these issues are “particularly” in the West tends to minimize adequately addressing this need everywhere DOE sites exist. 	2
	<ul style="list-style-type: none"> • Objective D.1. Success Indicators – 1st. bullet - Consider revising “Development and implementation of a credible and affordable land assessment strategy” to Develop and implement a credible and affordable land assessment strategy. (and define “affordable”) 	2
	<ul style="list-style-type: none"> • Success Indicators – 2nd bullet – Define how often “periodic reviews” will occur. 	4
	<ul style="list-style-type: none"> • Success Indicators - 3rd bullet- Consider revising to “ Develop and implement a sustainable...”. And, identify to who’s requirements; DOE, others? 	2
	<ul style="list-style-type: none"> • Objective D.2. Success Indicator, 1st bullet – “Increase in the number of acres transferred or leased and converted to beneficial use.” Define from “what to what”. What is the current number of acres transferring, leased, etc., and what is the goal? 	2
	<ul style="list-style-type: none"> • Objective D.3. Strategies, 1st bullet- It is unclear what LMs’ role is regarding acquisition or disposition of strategic and critical materials, and therefore it is unclear whether the goals are being met through the strategies indicated. 	6
	<ul style="list-style-type: none"> • Success Indicator, 1st bullet- Who defines what is adequate for strategic materials; LM, or another agency within DOE? 	6
	<ul style="list-style-type: none"> • Goal E. Mitigate Community Impacts Resulting from the Cleanup of Legacy Waste and Changing Departmental Missions – Objective E.1. Strategies: Has DOE considered following a clear process similar to that employed by the Department of Defense under Base Realignment and Closure (BRAC)? Through the BRAC process, communities, installations and regulators work together with the various local reuse organizations to effectively and efficiently deal with changing missions and or site closure. There are some significant “lessons learned” that DOE may need to consider to improve their process and costs. 	6
	<ul style="list-style-type: none"> • Success Indicators, 1st bullet, Are all contract workers included in these assessments? 	6
	<ul style="list-style-type: none"> • Success Indicators, 2nd bullet, “annual cost savings” compared to one time cost of separation, for workers, communities, what? 	6
	<ul style="list-style-type: none"> • Objective E.2. Success Indicator, 1st bullet – “Increase in the number of jobs created or retained in the community”. Is this really part of the mission? In order to fully reflect successes, it would be helpful to add another indicator to reflect their mission and the value of the strategies employed. Developing a comprehensive community economic development plan, as well as seeing growth or other investments in the community should also be considered as indicators of success. 	2